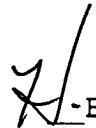


SIXTH CALLED SESSION

By 

-B. No. 1

A BILL TO BE ENTITLED

AN ACT

relating to public education.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE I. FINANCE

SECTION 1.01. Section 16.001, Education Code, is amended to read as follows:

Sec. 16.001. STATE POLICY. (a) It is the policy of the State of Texas that the provision of public education is a state responsibility and that a thorough and efficient system be provided and substantially financed through state revenue sources so that each student enrolled in the public school system shall have access to programs and services that are appropriate to his or her educational needs and that are substantially equal to those available to any similar student, notwithstanding varying local economic factors.

(b) The public school finance system of the State of Texas shall adhere to a standard of fiscal neutrality which provides for substantially equal access to similar revenue per student at similar tax effort.

(c) The program of state financial support designed and implemented to achieve these policies shall include adherence to the following principles:

(1) the yield of state and local educational program revenue per pupil per cent of effective tax effort shall not be

1 statistically significantly related to local taxable wealth per
2 student for at least those districts in which 95 percent of
3 students attend school; and

4 (2) the level of state and local revenues for which
5 equalization is established shall include funds necessary for the
6 efficient operation and administration of appropriate educational
7 programs and the provision of financing for adequate facilities and
8 equipment.

9 (d) Future legislatures are free to use other methods to
10 achieve substantially equal access to similar revenues per student
11 at similar tax effort. These methods may involve minimum tax
12 efforts, redefining the tax base, and other ways to equalize.
13 However, adherence to the state policy described in this section
14 shall be maintained.

15 SECTION 1.02. Section 16.004, Education Code, is amended to
16 read as follows:

17 Sec. 16.004. SCOPE OF PROGRAM. Under the Foundation School
18 Program, a school district may receive state financial aid for
19 programs, services, facilities, and equipment, including personnel
20 salaries, current operating expenses, categorical programs, and
21 transportation services. The amount of state aid to each school
22 district shall be based on the district's ability to support its
23 public schools.

24 SECTION 1.03. Section 16.006, Education Code, is amended to
25 read as follows:

26 Sec. 16.006. AVERAGE DAILY ATTENDANCE. (a) In this
27 chapter, average daily attendance is determined by the daily

1 attendance as averaged each month of the minimum school year as
2 described under Section 16.052(a) of this code [best-four-weeks-of
3 eight-weeks-of-attendance--The-State-Board-of--Education--by--rule
4 shall--prescribe--the-eight-weeks-for-which-attendance-records-must
5 be-maintained-by-all-districts-for-this-purpose,--except--that--the
6 records-must-be-kept-for-four-weeks-of-each-regular-semester].

7 (b) For the school year 1990-1991 only, the number of
8 students in average daily attendance under the definition described
9 in Subsection (a) of this section shall not be less than 98 percent
10 of the number of students that would be obtained under the
11 definition used for the 1989-1990 school year.

12 (c) A school district that experiences a decline of two
13 percent or more in average daily attendance as a result of the
14 closing or reduction in personnel of a military base shall be
15 funded on the basis of the actual average daily attendance of the
16 immediately preceding school year.

17 SECTION 1.04. Subchapter A, Chapter 16, Education Code, is
18 amended by adding Section 16.008 to read as follows:

19 Sec. 16.008. EQUALIZED FUNDING ELEMENTS. (a) The
20 Legislative Education Board shall adopt rules, subject to
21 appropriate notice and opportunity for public comment, for the
22 calculation for each year of a biennium of the qualified funding
23 elements necessary to achieve the state funding policy under
24 Section 16.001 of this code not later than the 1994-1995 school
25 year and for each school year thereafter.

26 (b) The funding elements shall include:

27 (1) a basic allotment for the purposes of Section

1 16.101 of this code that represents the cost per student of a
2 regular education program that meets the basic criteria for an
3 accredited program including all mandates of law and regulation;

4 (2) the formula or other provision for the cost of
5 education index designed to reflect the geographic variation in
6 known resource costs and costs of education beyond the control of
7 school districts for the purposes of Sections 16.102 and 16.103 of
8 this code;

9 (3) appropriate program cost differentials and other
10 funding elements for the programs authorized under Subchapter D of
11 this chapter, with the program funding level expressed as dollar
12 amounts and as weights applied to the basic allotment for the
13 appropriate year;

14 (4) the maximum guaranteed level of qualified state
15 and local funds per student for the purposes of Subchapter H of
16 this chapter that represents the costs as determined and limited
17 under Subchapter F of this chapter for exemplary programs including
18 the cost of facilities and equipment until such time as a funding
19 formula for capital outlay and debt service is adopted under
20 Subchapter I of this chapter;

21 (5) the total tax rates for the local funding
22 requirements of Section 16.252 of this code and Subchapter H of
23 this chapter, including tax rates for capital outlay and debt
24 service until such time as a funding formula for capital outlay and
25 debt service is adopted under Subchapter I of this chapter; and

26 (6) the formula elements for the funding formulas for
27 capital outlay and debt service under the provisions of Subchapter

1 I of this chapter.

2 (c) Beginning in 1992, not later than October 1 preceding
3 each regular session of the legislature, the board by rule shall
4 report the equalized funding elements calculated under Subsection
5 (b) of this section to the foundation school fund budget committee,
6 the commissioner of education, and the legislature.

7 (d) Notwithstanding other provisions of this section, the
8 report and recommendations of the Legislative Education Board for
9 the 1993-1994 school year and the 1994-1995 school year shall
10 provide for appropriate transition from the program in effect for
11 the 1992-1993 school year.

12 SECTION 1.05. Section 16.101, Education Code, is amended to
13 read as follows:

14 Sec. 16.101. BASIC ALLOTMENT. For each student in average
15 daily attendance, not including the time students spend each day in
16 special education or vocational education programs for which an
17 additional allotment is made under Subchapter D of this chapter, a
18 district is entitled to an allotment of \$1,910 [~~\$1,477~~] for the
19 1990-1991 [~~1989-1990~~] school year, \$2,128 for the 1991-1992 and
20 1992-1993 school years, and \$2,128 or an amount adopted by the
21 foundation school fund budget committee under Section 16.256 of
22 this code for the 1993-1994 school year and [~~\$1,500--fer~~] each
23 school year thereafter. A[~~7--er-a~~] greater amount for any school
24 year may be provided by appropriation.

25 SECTION 1.06. Subsection (a), Section 16.151, Education
26 Code, is amended to read as follows:

27 (a) For each full-time equivalent student in average daily

attendance in a special education program under Subchapter N, Chapter 21, of this code, a district is entitled to an annual allotment equal to the adjusted basic allotment multiplied by a weight determined according to instructional arrangement, which for the 1989-1990 and 1990-1991 school years is as follows:

Homebound	5.0
Hospital class	5.0
Speech therapy	7.11
Resource room	2.7
Self-contained, mild and moderate, regular campus	2.3
Self-contained, severe, regular campus	3.5
Self-contained, separate campus	2.7
Multidistrict class	3.5
Nonpublic day school	3.5
Vocational adjustment class	2.3
Community class	3.5
[Self-contained, pregnant-- -- -- -- --2.9]	
Mainstream	0.25

SECTION 1.07. Subsection (a), Section 16.152, Education Code, is amended to read as follows:

(a) For each student who is educationally disadvantaged or who is a nonhandicapped student residing in a residential placement facility in a district in which the student's parent or legal guardian does not reside, a district is entitled to an annual allotment equal to the adjusted basic allotment multiplied by 0.2

1 and 2.41 for each full-time equivalent student who is in a remedial
2 and support program under Section 21.557 of this code because the
3 student is pregnant~~[7--subject-to-Subsection-(e)-of-this-section]~~.

4 SECTION 1.08. Subsection (c), Section 16.152, Education
5 Code, is amended to read as follows:

6 (c) Funds allocated under this section, other than an
7 indirect cost allotment established under State Board of Education
8 rule, which shall not exceed 15 percent, must be used in providing
9 remedial and compensatory education programs under Section 21.557
10 of this code, and the district must account for the expenditure of
11 state funds by program and by campus. Funds allocated under this
12 section, other than the indirect cost allotment, shall only be
13 expended for supplemental purposes in addition to those programs
14 and services funded under the regular education program of the
15 district from all funding sources.

16 SECTION 1.09. Section 16.252, Education Code, is amended to
17 read as follows:

18 Sec. 16.252. LOCAL SHARE OF PROGRAM COST. (a) Each school
19 district's share of its Foundation School Program shall be an
20 amount determined by the following formula:

$$21 \quad LFA = TR \times DPV$$

22 where:

23 "LFA" is the district's local share;

24 "TR" is a tax rate which for the 1990-1991 school year shall
25 be computed by the commissioner of education before the 1990-1991
26 [each] school year as the rate that will raise a total local share,
27 prior to adjustments, equal to 41 [33-3] percent of the current

1 year Foundation School Program estimated costs under Subchapters C
2 and D of this chapter other than the adjustments made under
3 Sections 16.102(d) and 16.103(d) of this code, and which shall be
4 \$0.70 per hundred dollars of valuation for each year thereafter, or
5 a rate as adopted by the foundation school fund budget committee
6 for the 1993-1994 and 1994-1995 school years under authority
7 granted in Section 16.256(d) of this code; and

8 "DPV" is the taxable value of property in the district for
9 the prior tax year determined under Section 11.86 of this code.

10 (b) The commissioner of education shall adjust the values
11 reported in the official report of the State Property Tax Board to
12 reflect reductions in taxable value of property resulting from
13 natural or economic disaster after January 1 in the year in which
14 the valuations are determined. The decision of the commissioner of
15 education shall be final. An adjustment does not affect the local
16 fund assignment of any other district.

17 (c) Appeals of district values shall be held pursuant to
18 Subsection (e) of Section 11.86 of this code.

19 (d) A district shall raise its total local share of its
20 program cost in order to qualify for aid from the foundation school
21 fund.

22 (e) The commissioner of education shall hear appeals from
23 local school districts which have experienced a rapid decline in
24 tax base used in calculating the local fund assignment, exceeding
25 eight percent of prior year, that is beyond the control of the
26 local board of trustees. The commissioner of education may adjust
27 the local school district's taxable values for local fund

1 assignment purposes for such losses in value exceeding eight
2 percent and thereby adjust the local fund assignment to reflect the
3 local current year taxable value. The decision of the commissioner
4 of education shall be final. An adjustment does not affect the
5 local fund assignment of any other district.

6 SECTION 1.10. Section 16.256, Education Code, is amended by
7 adding Subsections (d), (e), (f), and (g) to read as follows:

8 (d) The foundation school fund budget committee shall adopt
9 rules for the calculation for each year of a biennium of the
10 qualified funding elements necessary to achieve the state funding
11 policy under Section 16.001 of this code not later than the
12 1994-1995 school year and for each year thereafter. In the
13 calculation of these funding elements, the committee shall consider
14 the report of the Legislative Education Board prescribed under
15 Section 16.008 of this code.

16 (e) The funding elements shall include:

17 (1) a basic allotment for the purposes of Section
18 16.101 of this code that represents the cost per student of a
19 regular education program that meets the basic criteria for an
20 accredited program including all mandates of law and regulation;

21 (2) the formula or other provision for the cost of
22 education index designed to reflect the geographic variation in
23 known resource costs and costs of education beyond the control of
24 school districts for the purposes of Sections 16.102 and 16.103 of
25 this code;

26 (3) appropriate program cost differentials and other
27 funding elements for the programs authorized under Subchapter D of

1 this chapter, with the program funding level expressed as dollar
2 amounts and as weights applied to the basic allotment for the
3 appropriate year;

4 (4) the maximum guaranteed level of qualified state
5 and local funds per student for the purposes of Subchapter H of
6 this chapter that represents the costs as determined and limited
7 under Subchapter F of this chapter for exemplary programs including
8 the cost of facilities and equipment until such time as a funding
9 formula for capital outlay and debt service is adopted under
10 Subchapter I of this chapter;

11 (5) the total tax rates for the local funding
12 requirements of Section 16.252 of this code and Subchapter H of
13 this chapter, including tax rates for capital outlay and debt
14 service until such time as a funding formula for capital outlay and
15 debt service is adopted under Subchapter I of this chapter; and

16 (6) the formula elements for the funding formulas for
17 capital outlay and debt service under the provision of Subchapter I
18 of this chapter.

19 (f) Beginning in 1992, not later than November 1 preceding
20 each regular session of the legislature, the foundation school fund
21 budget committee by rule shall adopt and report the equalized
22 funding elements calculated under this section to the commissioner
23 of education and the legislature. Before the committee adopts the
24 elements, the committee or the committee's designees shall hold a
25 public hearing on the recommendations of the Legislative Education
26 Board.

27 (g) Notwithstanding other provisions of this section, the

1 funding elements adopted by the foundation school fund budget
2 committee for the 1993-1994 school year and the 1994-1995 school
3 year shall provide for appropriate transition from the program in
4 effect for the 1992-1993 school year.

5 SECTION 1.11. Subchapter H, Chapter 16, Education Code, is
6 amended by amending Sections 16.302 and 16.303 and adding Section
7 16.304 to read as follows:

8 Sec. 16.302. ALLOTMENT. (a) Each district is guaranteed a
9 specified amount per weighted student in state and local funds for
10 each cent of tax effort over that required for the local fund
11 assignment up to the maximum level specified in this subchapter.
12 The amount of state support, subject only to the maximum amount
13 under Section 16.303 of this code, is determined by the formula:

$$\text{GYA} = (\text{GL} \times \text{WADA} \times \text{DTR} \times 100) - \text{LR}$$

15 where:

16 "GYA" is the guaranteed yield amount of state funds to be
17 allocated to the district;

18 "GL" is the dollar amount guaranteed level of state and local
19 funds per weighted student per cent of tax effort, which is \$17.90
20 for the 1990-1991 school year and \$26.05 for each school year
21 thereafter, [~~\$18.25~~] or a greater amount for any year provided by
22 appropriation, or an amount adopted by the foundation school fund
23 budget committee under Section 16.256(d) of this code for the
24 1993-1994 or 1994-1995 school year or thereafter;

25 "WADA" is the number of weighted students in average daily
26 attendance, which is calculated by dividing the sum of the
27 district's allotments under Subchapters C and D of this chapter,

1 less any allotments to the district for transportation or for
2 career ladder supplements and 50 percent of the adjustment
3 [adjustments] under Section [Seetiens] 16.102 [~~and-16-103~~] of this
4 code, by the basic allotment for the applicable year;

5 "DTR" is the district enrichment tax rate of the district,
6 which is determined by subtracting the local fund assignment of the
7 district from the amount of taxes collected by the district for the
8 applicable school year and dividing the result by the quotient of
9 the district's taxable value of property (DPV) under Section 16.252
10 of this code divided by 100; and

11 "LR" is the local revenue, which is determined by multiplying
12 "DTR" by the quotient of the district's taxable value of property
13 (DPV) under Section 16.252 of this code divided by 100.

14 (b) Beginning with the 1992-1993 school year, if the cost of
15 education index and program cost differentials developed jointly by
16 the Legislative Education Board and the Legislative Budget Board
17 under Section 16.203 of this code are not adopted by the foundation
18 school fund budget committee or the commissioner of education, the
19 amount guaranteed under this section is an amount per student
20 rather than per weighted student and a district's average daily
21 attendance ("ADA") under Section 16.006 of this section is
22 substituted for "WADA" in the formula under Subsection (a) of this
23 section.

24 (c) Beginning with the 1991-1992 school year, the
25 Legislative Education Board under Section 16.008 of this code and
26 the foundation school fund budget committee under Section 16.256 of
27 this code may calculate rates for "GL" and for the limitation on

1 "DTR" under Section 16.303 of this code using a percentile of
2 property wealth per weighted student that is not less than the 90th
3 percentile. The rates calculated will replace the rates stated in
4 Subsection (a) of this section and Section 16.303 of this code.

5 Sec. 16.303. LIMITATION ON ENRICHMENT TAX RATE. (a) The
6 district enrichment tax rate ("DTR") under Section 16.302 of this
7 code may not exceed \$0.37 in the 1990-1991 school year, \$0.48 in
8 each year thereafter, or an amount for 1993-1994 and 1994-1995
9 school years or thereafter as adopted by the foundation school fund
10 budget committee under Section 16.256(d) of this code [~~\$0.36 or a~~
11 ~~greater--amount--for--any--of--these--school--years---provided---by~~
12 ~~appropriation~~].

13 (b) For districts that have a district enrichment tax rate
14 in 1990-1991 of less than the maximum "DTR" as specified in
15 Subsection (a) of this section, for years subsequent to 1990-1991,
16 the annual maximum "DTR" for the school years 1991-1992 through
17 1993-1994 shall be limited to the 1990-1991 district enrichment tax
18 rate plus:

19 (1) an amount equal to 25 percent of the difference
20 between the maximum rate and the 1990-1991 district rate for the
21 1991-1992 school year;

22 (2) an amount equal to 50 percent of the difference
23 between the maximum rate and the 1990-1991 district rate for the
24 1992-1993 school year; and

25 (3) an amount equal to 75 percent of the difference
26 between the maximum rate and the 1990-1991 district rate for the
27 1993-1994 school year [~~the-1989-1990-school-year, a district may~~

1 ~~not-receive-less-per-student-in-guaranteed-yield-state--funds--than~~
2 ~~the---amount---of---state---funds--received--under--the--enrichment~~
3 ~~equalization-allotment-in-the-1988-1989-school-year]~~.

4 Sec. 16.304. COMPUTATION OF AID FOR DISTRICT ON MILITARY
5 RESERVATION OR AT STATE SCHOOL. State assistance under this
6 subchapter for a school district located on a federal military
7 installation or at Moody State School is computed using the average
8 tax rate and property value per student of school districts in the
9 county, as determined by the commissioner of education.

10 SECTION 1.12. Section 16.155, Education Code, is amended by
11 amending Subsections (a) and (e) and adding Subsection (g) to read
12 as follows:

13 (a) For each full-time equivalent student in average daily
14 attendance in an approved vocational education program in grades
15 nine through 12 or in vocational education for the handicapped
16 programs in grades seven through 12, a district is entitled to an
17 annual allotment [~~for-the-1989-1990--and--1990-1991--school--years]~~
18 equal to the adjusted basic allotment multiplied by a weight of
19 1.37 [~~1.45~~].

20 (e) Funds allocated under this section, other than an
21 indirect cost allotment established under State Board of Education
22 rule, must be used in providing vocational education programs in
23 grades nine through 12 or vocational education for the handicapped
24 programs in grades seven through 12 under the provisions of
25 Sections 21.111, 21.1111, and 21.112 of this code.

26 (g) The commissioner shall conduct a cost-benefit comparison
27 between vocational education programs and mathematics and science

1 programs.

2 SECTION 1.13. Subchapter F, Chapter 16, Education Code, is
3 amended to read as follows:

4 SUBCHAPTER F. [PROGRAM] ACCOUNTABLE COSTS OF EDUCATION

5 Sec. 16.201. PURPOSE. The accountable costs of education
6 studies are designed to support the development of the equalized
7 funding elements necessary to provide an efficient state and local
8 public school finance system which meets the state policy
9 established in Section 16.001 of this code and provides the
10 research basis for the equalized funding elements under the
11 provisions of Section 16.008 of this code. In determining
12 accountable costs, the boards may not include costs of cocurricular
13 and extracurricular programs and shall consider the results of the
14 efficiency in administration report under Section 16.205 of this
15 code [REPORT:--The-State-Board-of-Education-shall-report--what--it
16 determines-to-be-

17 [(1)--the--minimum--basic-accountable-costs-per-student
18 to-school-districts-of-providing-education-programs,-personnel,-and
19 other--operating--costs--that--meet--the--accreditation---standards
20 prescribed-by-law-and-rule,-for-each-year-of-the-next-biennium;

21 [(2)--the---estimated---costs--per--student--to--school
22 districts-of-providing-exemplary-education-programs,-personnel,-and
23 other-operating-costs-that-exceed-basic-accreditation-levels;

24 [(3)--the-costs-of-implementing-the-long-range-plan-for
25 public-school-education-authorized--by--Section--11-26(b)--of--this
26 code;

27 [(4)--facility--and--debt--service--costs--necessary-to

1 provide-for--both--current--and--projected--facilities--for--public
2 schools--according--to--the-standards-adopted-under-Subchapter-I-of
3 this-chapter;

4 [(5)--the-basic-accountable-costs-per-student-for--each
5 programmatic--area--that--is--recognized--by--the-Foundation-School
6 Program;-and

7 [(6)--the-basic-accountable-costs--of--transportation].

8 Sec. 16.202. STUDIES. (a) On a biennial basis, the
9 Legislative Education Board and the Legislative Budget Board, with
10 the assistance of the Educational Economic Policy Center and the
11 Central Education Agency, shall complete each of the following
12 studies and develop recommended amounts where appropriate for each
13 year of the next biennium:

14 (1) a study of the fiscal neutrality of the system to
15 determine the status of the state and local finance system with
16 regard to the policies established under the provisions of Section
17 16.001 of this code, including recommendations for adjustments
18 necessary to maintain fiscal neutrality;

19 (2) the accountable costs per student to school
20 districts of providing educational programs, personnel, and other
21 operating costs that meet accreditation criteria and the provisions
22 of law and regulation;

23 (3) a cost of education index designed to reflect the
24 geographic variation in known resource costs and costs of education
25 due to factors beyond the control of school districts;

26 (4) program cost differentials designed by program to
27 provide support for the added expense of high-cost courses or

1 programs for students participating in such courses or programs,
2 with the program funding level expressed as dollar amounts and as
3 weights applied to the basic allotment for the appropriate year;

4 (5) transportation and career ladder allotments;

5 (6) the accountable costs per student to districts
6 rated as exemplary under the provisions of Subchapter T of Chapter
7 21 of this code for the provision of personnel, programs, and other
8 operating expenses, with the limitation that for the 1993-1994 and
9 the 1994-1995 school years this level may not be less than 95
10 percent nor more than 100 percent of the 95th percentile of state
11 and local revenue per pupil;

12 (7) the levels of tax effort necessary for each tier
13 of the Foundation School Program necessary to fulfill the
14 requirements of Sections 16.001 and 16.008 of this code; and

15 (8) capital outlay and debt service requirements and
16 formula elements for the requirements of Subchapter I of this
17 chapter or other provisions of this chapter.

18 (b) In the determination of costs and revenues under this
19 chapter, the boards shall consider those costs and revenues
20 necessary for operation, maintenance, and administration and those
21 costs necessary for adequate facilities and equipment and shall
22 exclude all other costs [~~ADVISORY-COMMITTEE--(a)--The-State--Board~~
23 ~~of--Education--shall--appoint--an--advisory-committee-to-assist-the~~
24 ~~board-in-determining-the--minimum--basic--accountable--costs---The~~
25 ~~committee--must--be--composed-of-15-members,-a-majority-of-whom-may~~
26 ~~not-be-employees-or-officials-of-a-local-school-district-~~

27 [~~(b)--In-making-appointments--to--the--committee,--the--board~~

1 shall---give--representation--to--different--geographic--areas--and
2 different-sizes-of-schools-and-districts-

3 [(e)--Members-of-the-committee-serve-without-compensation-but
4 are-entitled-to-reimbursement-for--actual--and--necessary--expenses
5 incurred--in--performing-their-duties--Reimbursement-is-from-funds
6 appropriated-to-the-Central-Education-Agency-and-available-for-that
7 purpose].

8 Sec. 16.203. PROCEDURES. (a) In the determination of the
9 statistical measures used for the calculation of fiscal neutrality,
10 the boards shall use only those measures recommended by an
11 impartial panel of persons expert in the use of statistics
12 appointed by the boards.

13 (b) The cost of education index shall be based on one or
14 more models that consider the effect of school district or other
15 characteristics on the cost of public education in the various
16 school districts of the state. The districts may be divided into a
17 variety of categories that may include region, size, area, density,
18 educational characteristics, and economic conditions. The index
19 shall adjust only for specific resource cost variations caused by
20 factors beyond the control of school districts, to include
21 personnel, variations from optimal district size, and other cost
22 factors. Factors that are addressed by other formula adjustments
23 in the Foundation School Program are not to be considered.
24 Variations should be based on the most efficient service delivery
25 systems. An impartial panel of persons expert in econometric
26 modeling, statistics, and related fields shall be consulted in the
27 development of the index, examination of cost factors, and

1 development of models. The commissioner of education shall collect
2 data necessary to the development of the models and index. The
3 boards shall develop a formula for applying the index to the basic
4 allotment in a manner that appropriately reflects the relative
5 significance of the costs adjusted by the index to the overall cost
6 of a minimum accredited regular education program represented by
7 the basic allotment.

8 (c) The cost of education index developed jointly by the
9 Legislative Education Board and the Legislative Budget Board shall
10 be submitted to the foundation school fund budget committee for
11 adoption. The cost of education index adopted by the committee
12 shall be effective beginning with the 1991-1992 school year.

13 (d) The program cost differentials developed jointly by the
14 Legislative Education Board and the Legislative Budget Board shall
15 be submitted to the foundation school fund budget committee for
16 adoption beginning with the 1992-1993 school year. If the
17 foundation school fund budget committee fails to adopt by April 1
18 the program cost differentials for the following school year, the
19 commissioner of education, after considering the recommendations
20 developed by those boards, shall adopt program cost differentials.

21 (e) The commissioner of education shall provide appropriate
22 assistance to the boards for the calculation of the various funding
23 elements. Subject to review by the Legislative Education Board,
24 the commissioner of education shall retain from the allotments
25 under Sections 16.102 and 16.103 of this code and Subchapter D of
26 this chapter amounts appropriate to finance necessary additional
27 costs for the studies required under this subchapter.

1 (f) The boards may appoint advisory committees to assist in
2 the development of the various funding elements and studies
3 required under this subchapter. Advisory committee members serve
4 without compensation but are entitled to reimbursement for actual
5 and necessary expenses incurred in the performance of their duties.
6 Reimbursement shall be from funds available under Subsection (e) of
7 this section or from other funds available to the boards.

8 (g) In the studies relating to program cost differentials
9 the boards shall give special consideration to cost factors
10 associated with class size, laboratory expenses, materials,
11 equipment, teacher training, necessary salary supplementation, and
12 special services related to individual courses or groups of courses
13 [LEGISLATIVE--CONSIDERATION:--In--adopting--the--amount--of--basic,
14 special,--and--transportation--allotments--under--this--chapter,--the
15 legislature--shall--consider--the--recommendations--and--report--of--the
16 State-Board-of-Education--as--to--the--minimum--basic--accountable--costs
17 of--a--program--that--meets--accreditation--standards.--The--board--shall
18 file--the--report--with--the--governor,--the--Legislative--Budget--Board,
19 and--the--Legislative--Education--Board].

20 Sec. 16.204. NAVAL MILITARY FACILITY IMPACT. (a) The model
21 on which a cost of education index is based must specifically
22 consider the impact of a significant new naval military facility on
23 each district in an impacted region.

24 (b) If the construction or operation of a significant new
25 naval military facility begins during a school year, the
26 Legislative Education Board and the Legislative Budget Board shall
27 recommend the adjustment of the basic allotment during that school

1 year to consider any impact of the facility on the cost of
2 education index of the districts in the impacted region.

3 (c) In this section, "significant new naval military
4 facility" and "impacted region" have the meanings assigned by
5 Section 4, Article 1, National Defense Impacted Region Assistance
6 Act of 1985 (Article 689a-4d, Vernon's Texas Civil Statutes).

7 Sec. 16.205. EFFICIENCY IN ADMINISTRATION REPORT. (a) The
8 commissioner of education shall conduct a study to determine the
9 most appropriate and efficient method for reporting and monitoring
10 the allocation of resources by school districts.

11 (b) The study shall identify the most effective means for
12 calculating, monitoring, and reporting the proportion of resources
13 that school districts allocate for their administrative costs and
14 shall include administrator teacher ratios.

15 (c) The study shall include a description of average
16 efficient administrative expenditures by districts with
17 consideration of district size and demographics.

18 (d) Prior to the beginning of each regular session of the
19 legislature, the agency shall provide a report with recommendations
20 to the Legislative Education Board and the legislature.

21 (e) The study is an element of the study of accountable
22 costs of education under this subchapter.

23 SECTION 1.14. (a) In the development of the accountable
24 cost of education studies during the 1989-1990 and 1990-1991 school
25 years, the Legislative Education Board and Legislative Budget Board
26 shall give special consideration to the studies required for the
27 development of program cost differentials, the cost of education

1 index, and a comprehensive set of recommendations for the provision
2 of state assistance to school districts for school facilities and
3 debt service beginning in the 1991-1992 school year. These studies
4 shall be completed not later than January 1, 1991.

5 (b) In addition, specific studies of the impact of
6 year-round average daily attendance, appropriate mechanisms for the
7 funding of vocational education, and the cost of serving at-risk
8 students shall be included in the studies completed by the boards
9 prior to January 1, 1991.

10 SECTION 1.15. Section 13.353, Education Code, is amended by
11 adding Subsection (e) to read as follows:

12 (e) From funds appropriated for that purpose, the Central
13 Education Agency shall allocate an amount each year for the
14 identification, adaptation, development, and evaluation of
15 professional development programs and materials; training of
16 trainers; and technical assistance in the development of general
17 management and leadership development skills, including skills
18 necessary to implement Sections 21.7532 and 21.930 of this code.
19 The State Board of Education may designate special projects and
20 development activities to be carried out with such funds. The
21 manner in which such funds are utilized shall be reported annually
22 to the commissioner of education.

23 SECTION 1.16. Section 29.05, Education Code, is amended to
24 read as follows:

25 Sec. 29.05. ALLOCATION OF COSTS. A formula for the
26 allocation of professional units and other operating expenses shall
27 be developed by the Central Education Agency and approved by the

1 State Board of Education. For the fiscal year ending August 31,
2 1991, the amount approved by the State Board of Education may not
3 exceed \$29 million. Not later than February 1, 1991, the Central
4 Education Agency and the Texas Department of Criminal Justice shall
5 propose to the 72nd Legislature a formula for funding the schools
6 authorized by Section 29.01 of this code, using the fund required
7 by Section 29.04 of this code.

8 SECTION 1.17. Chapter 1, Title 22, Revised Statutes, is
9 amended by adding Article 717t-1 to read as follows:

10 Art. 717t-1. PUBLIC SCHOOL FACILITIES DEVELOPMENT GRANTS.

11 (a) From funds appropriated for the purpose, in the 1991-1992
12 school year, the board shall make grants to school districts to
13 alleviate emergency needs for acquiring, constructing, renovating,
14 or improving capital assets and instructional facilities. A
15 portion of these funds may be used to alleviate the debt service
16 obligations of school districts incurring debt since September 1,
17 1984, and prior to the effective date of this article.

18 (b) The board by rule shall establish procedures and
19 qualifications for obtaining a grant under this article. Under the
20 rules, a priority shall be given to school districts with a
21 property-wealth per student ratio inadequate to meet the demands
22 for adequate funds for its education program and for its debt
23 service obligations. The board may consider, in adopting rules and
24 awarding grants, the conditions listed in Subsection (a), Section
25 10, Public School Facilities Funding Act (Article 717t, Vernon's
26 Texas Civil Statutes).

27 (c) Except to the extent directly related to the

1 acquisition, construction, renovation, or improvement of capital
2 assets and instructional facilities, a grant may not be used to pay
3 the general administrative expenses of any school district or to
4 pay any part of the salary or benefits of an official or employee
5 of any school district receiving a grant under this article.

6 (d) In this article:

7 (1) "Board" has the meaning assigned by Section 2,
8 Public School Facilities Funding Act (Article 717t, Vernon's Texas
9 Civil Statutes).

10 (2) "Capital assets" means permanent fixtures,
11 mechanical or electrical equipment, or other tangible property that
12 becomes a permanent improvement to an instructional facility or
13 furnishings, other than computers, for an instructional facility
14 that have a life of not less than 10 years.

15 (3) "Instructional facility" has the meaning assigned
16 by Section 2, Public School Facilities Funding Act (Article 717t,
17 Vernon's Texas Civil Statutes).

18 (e) This article expires August 31, 1992.

19 SECTION 1.18. Chapter 314, Government Code, is amended by
20 adding Section 314.004 to read as follows:

21 Sec. 314.004. EQUALIZED EDUCATION FUNDING IMPACT STATEMENT.

22 (a) The board shall prepare for each bill or resolution that
23 affects public education an equalized education funding impact
24 statement.

25 (b) The impact statement must evaluate the effect of the
26 bill or resolution on all state equalized funding requirements and
27 policies.

1 (c) The impact statement must be attached to the bill or
2 resolution immediately following the fiscal note attached under
3 Section 314.003.

4 SECTION 1.19. Section 322.008, Government Code, is amended
5 to read as follows:

6 Sec. 322.008. APPROPRIATIONS BILL. (a) The director, under
7 the direction of the board, shall prepare the general
8 appropriations bill for introduction at each regular legislative
9 session.

10 (b) Not later than the 1994-1995 school year, the general
11 appropriations bill shall include for purposes of information the
12 funding elements adopted by the foundation school fund budget
13 committee under Section 16.256(e), Education Code, excluding the
14 values for each school district calculated under Subdivision (2) of
15 that subsection. The funding elements under Section 16.256(e)(3),
16 Education Code, shall be reported in dollar amounts per pupil.

17 (c) Not later than the fifth day after a regular legislative
18 session convenes, the director shall transmit a copy of the budget
19 of estimated appropriations prepared by the director to the
20 governor and each member of the legislature.

21 (d) [~~e~~] Not later than the seventh day after a regular
22 legislative session convenes, the director shall transmit a copy of
23 the general appropriations bill to the governor and each member of
24 the legislature.

25 SECTION 1.20. (a) Notwithstanding any other provision of
26 this Act, a district's increase or decrease in state aid per
27 student due to changes made by this Act to the Education Code at

1 the time of its enactment shall be limited to the following levels
2 for the indicated school years:

3 (1) 25 percent of the difference between the state aid
4 per student to which the district is otherwise entitled under the
5 provisions of this Act for the 1991-1992 school year and the state
6 aid per student to which the district is entitled under the
7 provisions of this Act for the 1990-1991 school year;

8 (2) 50 percent of the difference between the state aid
9 per student to which the district is otherwise entitled under the
10 provisions of this Act for the 1992-1993 school year and the state
11 aid per student to which the district is entitled under the
12 provisions of this Act for the 1990-1991 school year;

13 (3) 75 percent or a different percentage as may be set
14 by the foundation school fund budget committee of the difference
15 between the state aid per student to which the district is
16 otherwise entitled under the provisions of this Act for the
17 1993-1994 school year and the state aid per student to which the
18 district is entitled under the provisions of this Act for the
19 1990-1991 school year.

20 (b) Unless determined to be different amounts for the
21 1993-1994 and 1994-1995 school years by the foundation school fund
22 budget committee under the authority granted to it in Subsection
23 (d), Section 16.256, Education Code, as added by this Act, the
24 following shall be used in determining eligibility for state aid
25 and special program allotment amounts beginning in the 1991-1992
26 school year:

27 (1) the basic allotment only for purposes of

1 determining the amounts of funds which school districts must allot
2 for special programs under Subchapter D, Chapter 16, Education
3 Code, under provisions of this Act shall be \$1,965 for the
4 1991-1992 school year, \$2,019 for the 1992-1993 school year, \$2,074
5 for the 1993-1994 school year, and \$2,128 for the 1994-1995 school
6 year; and

7 (2) the minimum tax effort per hundred dollars of
8 valuation required under Section 16.252, Education Code, shall be
9 \$0.54 for the 1991-1992 school year, \$0.54 for the 1992-1993 school
10 year, \$0.62 for the 1993-1994 school year, and \$0.70 for the
11 1994-1995 school year.

12 SECTION 1.21. No district shall receive less funds for the
13 1990-1991 school year than the district would have received under
14 the prior provisions of the Education Code, with the exception that
15 the financial impact of the provisions relating to average daily
16 attendance under Section 16.006, Education Code, shall not be held
17 harmless. The commissioner of education shall provide for
18 appropriate calculations to implement this section.

19 SECTION 1.22. (a) Subsection (c), Section 16.151;
20 Subsection (e), Section 16.152, as added by Section 9, Chapter 816,
21 Acts of the 71st Legislature, Regular Session, 1989; Section
22 16.176; Section 16.177; Subsections (a), (b), (c), and (e), Section
23 16.178; Section 16.179; and Section 16.180, Education Code, are
24 repealed effective immediately.

25 (b) Effective September 1, 1991, Subsection (c), Section
26 16.102, Subsection (e), Section 16.103, and Subsection (d), Section
27 16.178, Education Code, are repealed.

1 SECTION 1.23. (a) Sections 1.06 and 1.07 of this article
2 take effect September 1, 1991.

3 (b) Sections 1.13 and 1.15 of this article take effect
4 immediately.

5 ARTICLE II. ACCOUNTABILITY

6 SECTION 2.01. Section 2.01, Education Code, is amended to
7 read as follows:

8 Sec. 2.01. PUBLIC EDUCATION IN GENERAL; GOALS FOR PUBLIC
9 EDUCATION. The objective of state support and maintenance of a
10 system of public education is education for citizenship and is
11 grounded upon conviction that a general diffusion of knowledge is
12 essential for the welfare of Texas and for the preservation of the
13 liberties and rights of citizens. The goals of public education
14 are as follows:

15 GOAL A: All students shall have an opportunity to benefit
16 from an appropriate education. The achievement gap between
17 educationally disadvantaged students and other populations will be
18 closed. Through enhanced dropout prevention efforts, the
19 graduation rate will be raised to 95 percent of students who enter
20 the seventh grade.

21 GOAL B: The state shall be within national norms for student
22 performance.

23 GOAL C: A well-balanced and appropriate curriculum will be
24 provided to all students.

25 GOAL D: Qualified and effective personnel will be attracted
26 and retained. Adequate and competitive compensation commensurate
27 with responsibilities will be ensured. Qualified staff in critical

1 shortage areas will be recruited, trained, and retained.

2 GOAL E: The organization and management of all levels of the
3 educational system will be productive, efficient, and accountable.

4 GOAL F: Instruction and administration will be improved
5 through research that identifies creative and effective methods.
6 Demonstration programs will be developed and local initiatives
7 encouraged for new instructional arrangements and management
8 techniques. Technology will be used to increase the equity,
9 efficiency, and effectiveness of classroom instruction,
10 instructional management, and administration.

11 SECTION 2.02. Section 327.005, Government Code, is amended
12 to read as follows:

13 Sec. 327.005. POWERS AND DUTIES. (a) The board shall
14 oversee and review the implementation of legislative education
15 policy[~~7--including-fiscal-policy,~~] by state agencies that have the
16 statutory duty to implement that policy, including policy relating
17 to:

18 (1) fiscal matters;

19 (2) academic expectations; and

20 (3) evaluation of program cost-effectiveness. The
21 board may require information and reports from state agencies as
22 necessary to carry out its duties.

23 (b) For purposes of carrying out its duties, the board may
24 administer oaths and issue subpoenas, signed by the chairman or
25 vice-chairman, to compel the attendance of witnesses and the
26 production of books, records, and documents. A subpoena of the
27 board shall be served by a peace officer in the manner in which

1 district court subpoenas are served. On application of the board,
2 a district court of Travis County shall compel compliance with a
3 subpoena issued by the board in the same manner as for district
4 court subpoenas.

5 (c) The board shall make recommendations to the legislature
6 concerning needed changes in legislative education policy.

7 (d) The board may appoint advisory committees composed of
8 citizens of the state to advise the board in the discharge of the
9 board's duties. A member of an advisory committee appointed under
10 this section serves without compensation but is entitled to
11 reimbursement for actual expenses incurred in the performance of
12 the member's duties.

13 (e) The board may employ staff as necessary for the
14 performance of its duties, as allowed by legislative appropriation,
15 or may request and use staff provided by the Texas Legislative
16 Council or the Legislative Budget Board. Such staff, if any, shall
17 be available to all members of the legislature.

18 (f) ~~[The-Texas-Legislative-Council-shall-provide--staff--for~~
19 ~~the-board-as-necessary-to-the-performance-of-its-duties-~~

20 [(e)] State agencies shall cooperate with and assist the
21 board at the board's request.

22 SECTION 2.03. Section 327.006, Government Code, is amended
23 to read as follows:

24 Sec. 327.006. REVIEW OF EDUCATIONAL POLICY [CURRICULUM]
25 IMPLEMENTATION. (a) The board shall periodically [biennially]
26 review the actions or proposed actions of [curriculum-rules-adopted
27 by] the State Board of Education [under-Section-21.1017-Education

1 Code,] for the purpose of ensuring compliance with legislative
2 intent.

3 (b) If the board determines that any action or proposed
4 action of the State Board of Education conflicts with legislative
5 educational policy, the board shall submit its comments on the
6 conflict to the State Board of Education in writing.

7 (c) If the board determines that a final action of the board
8 conflicts with the intent of legislative educational policy, the
9 board may:

10 (1) request additional information from the State
11 Board of Education relating to the intent of the board's action;

12 (2) request a joint meeting with the State Board of
13 Education to discuss the conflict between the action and
14 legislative educational policy;

15 (3) request that the State Board of Education
16 reconsider its action; or

17 (4) notify the governor, lieutenant governor, speaker
18 of the house, and the legislature of the conflict presented.

19 SECTION 2.04. Subchapter A, Chapter 11, Education Code, is
20 amended by adding Section 11.2091 to read as follows:

21 Sec. 11.2091. MINORITY RECRUITMENT PROGRAMS. (a) The Texas
22 Higher Education Coordinating Board in cooperation with the
23 commissioner of education shall establish a program to assist in
24 the recruitment of minorities into the education profession. The
25 program may include, but is not limited to, the following:

26 (1) tuition or grant assistance programs;

27 (2) incentive scholarship programs utilizing funds

1 under Subchapter G, Chapter 56, of this code, to encourage
2 minorities to enter the education profession;

3 (3) cooperation with institutions of higher education
4 to conduct recruitment seminars, job fairs, and mentorship
5 programs;

6 (4) cooperation with public school districts to
7 conduct career exploration programs in the area of public
8 education; and

9 (5) cooperation with education interest groups and
10 organizations to conduct career exploration programs, recruitment
11 seminars, job fairs, and mentorship programs.

12 (b) Funds appropriated for these programs shall be
13 specifically allocated by the board in its annual budget process
14 and shall be monitored by the board to determine that the program
15 is meeting goals established by the board.

16 SECTION 2.05. Subsections (a) and (d), Section 11.23,
17 Education Code, are amended to read as follows:

18 (a) The board shall hold four [~~regular~~] meetings a year in
19 Austin, Texas, on dates determined by the chairman and [~~the-second~~
20 ~~Saturday-in-January,--March,--May,--July,--September,--and--November.~~
21 ~~It~~] may hold other meetings [~~as-scheduled-by-its-formal-sessions~~
22 ~~or~~] as may be called by the chairman.

23 (d) The governor, with the advice and consent of the senate,
24 appoints the chairman of the State Board of Education from among
25 the membership of the State Board of Education. The chairman
26 serves a term of two years.

27 SECTION 2.06. Section 11.24, Education Code, is amended to

1 read as follows:

2 Sec. 11.24. GENERAL POWERS AND DUTIES. (a) In addition to
3 performing its duties under the constitution, the [The] State Board
4 of Education shall take actions necessary to implement legislative
5 policy [is--the--policy-forming--and-planning-body] for the public
6 school system of the state. The board shall include in the record
7 of its meetings the legislative authority for each action taken by
8 the board. The board shall consider any comments submitted by the
9 Legislative Education Board on a proposed rule before voting on
10 final adoption of the rule. If the board is unsure of the
11 legislative intent of any legislative enactment, the board may
12 request a joint meeting with the Legislative Education Board to
13 discuss the intent.

14 (b) The board is [it-shall] also [be] the State Board for
15 Vocational Education and as such, the board shall have all the
16 powers and duties conferred on it by the various statutes relating
17 to the State Board for Vocational Education. The State Board of
18 Education (State Board for Vocational Education) may contract with
19 the Texas Higher Education Coordinating Board[7-Texas--College--and
20 University--System,] so that the coordinating board may assume the
21 leadership role and administrative responsibility of the State
22 Board for Vocational Education for state level administration of
23 technical-vocational education programs in Texas public community
24 colleges, public technical institutes, and other eligible public
25 postsecondary institutions.

26 [~~{b}~~--As one part of the Central Education Agency, the--State
27 Board--of Education shall have specific responsibility for adopting

1 policies,--enacting-regulations,--and-establishing-general-rules--for
2 carrying--out--the--duties--placed--on--it--or--the--Central-Education
3 Agency-by-the-legislature.]

4 SECTION 2.07. Subsection (c), Section 11.26, Education Code,
5 is amended to read as follows:

6 (c) With the advice and assistance of the state commissioner
7 of education, the State Board of Education shall:

8 (1) [~~formulate--and--present--to--the---governor---and~~
9 ~~Legislative--Budget--Board--the--proposed--budget--or--budgets--for~~
10 ~~operating-the-Foundation--School--Program,--the--Central--Education~~
11 ~~Agency,--and-the-other-programs-for-which-it-has-responsibility,~~

12 [~~{2}--adopt---operating---budgets---on---the--basis--of~~
13 ~~appropriation-by-the-legislature,~~

14 [~~{3}--establish--procedures--for---budgetary---control,~~
15 ~~expending,--auditing,--and--reporting--on--expenditures--within-the~~
16 ~~budgets-adopted,~~

17 [~~{4}~~] make to the legislature biennial reports
18 covering all the activities and expenditures of the Central
19 Education Agency;

20 (2) [~~{5}~~] adopt rules for the accreditation of
21 schools;

22 (3) [~~{6}~~] execute contracts for the purchase of
23 instructional aids, including textbooks, within the limits of
24 authority granted by the legislature;

25 (4) [~~{7}~~] execute contracts for the investment of the
26 permanent school fund, within the limits of authority granted by
27 Chapter 15 of this code;

1 (5) [~~8~~] adopt rules consistent with Chapter 13 of
2 this code for certification of teachers, administrators, and other
3 professional personnel customarily employed in public schools;

4 (6) [~~9~~] adopt rules requiring school districts to
5 notify parents of students of a teacher teaching a subject for
6 which the teacher is not certified, unless the teacher is serving
7 an internship under Section 13.035 of this code, or the teacher has
8 at least 24 semester credit hours in the subject, or the teacher is
9 teaching under an emergency permit and is making satisfactory
10 progress toward completion of a deficiency plan;

11 (7) [~~10~~] consider the athletic necessities and
12 activities of the public schools of Texas and in advance of each
13 regular session of the legislature specifically report to the
14 governor of Texas the proper and lawful division of time and money
15 to be devoted to athletics, holidays, legal and otherwise, and to
16 educational purposes; and

17 (8) [~~11~~] on or before May 15 of each year, formulate
18 and transmit to the Texas Council on Vocational Education a list of
19 evaluation topics that address developing and future concerns of
20 the board in the field of technical-vocational education.

21 SECTION 2.08. Subsection (a), Section 11.29, Education Code,
22 is amended to read as follows:

23 (a) The commissioner of education [~~State-Board-of-Education~~]
24 shall adopt annually a budget for operating the Foundation School
25 Program, [the-operation-of] the Central Education Agency, and other
26 programs for which the State Board of Education has responsibility.
27 The budget shall be in accordance with the amounts appropriated by

1 the general appropriations act and shall provide funds for the
2 administration and operation of the Central Education Agency and
3 any other necessary expense. Before adopting the budget, the
4 commissioner shall:

5 (1) submit the budget to the State Board of Education
6 and the Legislative Education Board for review and comment; and

7 (2) after receiving the comments of those boards,
8 present the budget to the governor and the Legislative Budget
9 Board.

10 SECTION 2.09. Section 11.51, Education Code, is amended to
11 read as follows:

12 Sec. 11.51. SELECTIONS AND QUALIFICATIONS. (a) The State
13 Board of Education shall recommend to the governor a person to be
14 named commissioner of education. The governor shall either reject
15 the recommendation or appoint the person as commissioner of
16 education. The appointment requires the advice and consent of the
17 senate. If the governor rejects the recommendation, the board
18 shall submit further recommendations until one is appointed by the
19 governor and confirmed by the senate. [The--Office--of--State
20 Commissioner-of-Education-is-a-unit-of-the-Central-Education-Agency
21 and-shall-be-filled-in-accordance-with-the--provisions--of--Section
22 11.25-of-this-code.]

23 (b) The commissioner of education serves a term of office of
24 four years expiring on March 1 of the appropriate odd-numbered
25 year. The governor, with the advice and consent of the senate, may
26 remove the commissioner of education on the petition of two-thirds
27 of the membership of the State Board of Education or may remove for

1 good cause. The commissioner of education may serve consecutive
2 terms.

3 (c) The ~~[state]~~ commissioner of education shall be a person
4 of broad and professional educational experience, with special and
5 recognized abilities of the highest order in organization,
6 direction, and coordination of education systems and programs, and
7 in administration and management of public schools and public
8 education generally. The commissioner of education shall be a
9 citizen of the United States.

10 (d) ~~[e]~~ The commissioner shall execute an ~~[his]~~ official
11 bond in a sum not to exceed \$50,000, conditioned on the faithful
12 performance of the commissioner's ~~[his]~~ duties as required by the
13 laws of Texas ~~[and-the-rules-and-regulations-imposed-by-the-State~~
14 ~~Board-of-Education]~~, and pursuant to the provisions of Chapter 383,
15 Acts of the 56th Legislature, Regular Session, 1959 (Article 6003b,
16 Vernon's Texas Civil Statutes).

17 SECTION 2.10. Subchapter B, Chapter 13, Education Code, is
18 amended by adding Section 13.049 to read as follows:

19 Sec. 13.049. MODERN TEACHING PRACTICES. (a) Standards
20 adopted under Section 13.032 or 13.035 of this code for teacher
21 training shall include training in the use of technology and
22 effective teaching practices in the classroom.

23 (b) Regional education service centers, teacher centers,
24 institutions of higher education with approved teacher education
25 programs, and other appropriate educational entities shall offer
26 in-service training for public school teachers and other
27 educational personnel in the use of technology and effective

1 teaching practices in the classroom and in making district-level
2 decisions.

3 SECTION 2.11. Subchapter B, Chapter 19, Education Code, is
4 amended by adding Section 19.027 to read as follows:

5 Sec. 19.027. ACADEMICALLY UNACCREDITED SCHOOL DISTRICTS.

6 (a) The commissioner of education may by order annex to one or
7 more adjoining districts a school district that has been rated as
8 academically unaccredited for a period of two years.

9 (b) The governing board of a district to which territory of
10 an academically unaccredited district is annexed is the governing
11 board for the new district.

12 (c) The order of the commissioner shall define by legal
13 boundary description the territory of the new district as enlarged.

14 (d) Title to the real property of the academically
15 unaccredited district vests in the district to which the property
16 is annexed. Each district to which territory is annexed assumes
17 and is liable for any portion of the academically unaccredited
18 district's indebtedness that is allocated to the receiving district
19 under Section 19.004 of this code.

20 (e) Before the commissioner orders an annexation under this
21 section, the commissioner shall investigate the educational and
22 financial impact of the annexation on the receiving district. The
23 commissioner may order the annexation only if the commissioner
24 finds that the annexation will not substantially impair the ability
25 of the receiving district to educate the students located in the
26 district prior to the annexation and to meet its financial
27 obligations incurred prior to the annexation.

1 (f) For five years beginning with the school year in which
2 the annexation occurs, the commissioner shall annually adjust the
3 local fund assignment of a district to which territory is annexed
4 under this section by multiplying the enlarged district's local
5 fund assignment calculated under Section 16.252 of this code by a
6 fraction, the numerator of which is the number of students residing
7 in the district preceding the date of the annexation and the
8 denominator of which is the number of students residing in the
9 district as enlarged on the date of the annexation. A district
10 that receives an adjustment to its local fund assignment under this
11 section is not eligible for incentive aid under Subchapter G of
12 Chapter 23 of this code.

13 (g) A district to which territory is annexed under this
14 section is entitled to additional state aid equal to the amount by
15 which the annual debt service required to meet the indebtedness
16 incurred by the district due to the annexation exceeds the
17 additional amount of state aid that results from the adjustment
18 under Subsection (f) of this section, if any. In determining the
19 amount of annual debt service required, the estimated tax levy from
20 applying the receiving district's current debt service tax rate, if
21 any, to the territory that has been annexed shall be deducted.

22 SECTION 2.12. Section 21.258, Education Code, is amended to
23 read as follows:

24 Sec. 21.258. PERFORMANCE REPORT. (a) Each board of
25 trustees shall publish an annual [performance] report describing
26 the district's educational performance that includes campus
27 performance objectives established under Section 21.7532 of this

1 code and the progress of each campus toward those objectives, which
2 shall be available to the public and filed with the State Board of
3 Education. The board shall hold a hearing for public discussion of
4 the report. The board shall notify property owners and parents in
5 the district of the hearing. The board may combine the notice with
6 the notice of a public hearing on a proposed tax increase required
7 under Section 26.06, Tax Code. After the hearing the report shall
8 be widely disseminated within the district in a manner to be
9 determined by the district [~~describing-the--district's--educational~~
10 ~~performance--and--giving-finaneial-information-related-to-the-costs~~
11 ~~incurred-by-the-district~~].

12 (b) The [~~State-Board-of-Education-by--rule--shall--prescribe~~
13 ~~the--form--and--content--of-the-report--in-adopting-the-rules,-the~~
14 ~~board-may-not-impose-requirements-that-contribute-unneccessarily--to~~
15 ~~the--length-or-complexity-of-the-report,-and-to-the-extent-possible~~
16 ~~shall-provide-for-each-report-topic-required-by-this-subsection--or~~
17 ~~by--board--rule--to--be--presented--in--a--manner--that--allows-the~~
18 ~~presentation-to-be-limited-to-not-more-than-one-page-in-length--per~~
19 ~~topic:---At-a-minimum,-the~~] report may [must] include the following
20 information by campus:

21 (1) evaluations of the quality of education based on
22 the information contained in the report;

23 (2) scores on tests with national norms;

24 (3) reports of performance trends improvement or lack
25 of improvement;

26 (4) statements of costs for instruction, instructional
27 administration, and central administration;

1 (5) attendance data and dropout rates;
2 (6) reports on discipline;
3 (7) data on employees, trends in employment, and
4 turnover;
5 (8) teacher ratios by grade groupings and by program;
6 and
7 (9) statement of efforts to reduce the amount of
8 paperwork required of teachers and administrators.

9 (c) The report must also include a comparison provided by
10 the Central Education Agency of:

11 (1) the performance of each campus to the performance
12 of campuses with similar wealth and demographics and of the
13 district to districts statewide for information required under
14 Subsections (b)(4), (5), (7), and (8) of this section and all
15 academic indicators under Section 21.7531 of this code; and

16 (2) the performance of each district to the projection
17 of expected performance of that district considering the wealth and
18 demographics of the district. [A-report-under--this--section--must
19 also--include--information--about--the--number--of--students--in--each
20 classroom--excluding--instrumental--and--choral--music--classrooms--per
21 class--period---The--report--must--specify--by--grade--the--number--of
22 classrooms--excluding--instrumental--and--choral--music--classrooms--in
23 which--in--any--class--period--the--number--of--students--exceeds--

24 [(1) --for-kindergarten-through-8th-grade--20,

25 [(2) --for-high-school--25--and

26 [(3) --for-special-education--10-]

27 (d) The State Board of Education by rule shall authorize the

1 combination of this report with other reports and financial
2 statements and shall restrict the number and length of reports that
3 school districts, [and] school district employees, and school
4 campuses are required to prepare.

5 [(e) -- Each --- district -- shall -- also -- annually -- report -- to -- the
6 commissioner the number of -- teachers -- on -- the -- career -- ladder, -- the
7 number -- of -- teachers -- at -- each -- level, -- and -- the -- sex -- and -- ethnicity -- of
8 these teachers. -- That information shall be collected in a -- biennial
9 report -- to -- the -- legislature, -- with -- the -- information -- reported -- by -- school
10 district.

11 [(f) -- Reports to the legislature under this section shall -- be
12 filed -- with -- the -- Legislative -- Budget -- Board -- and -- the -- appropriate
13 committees of each house.]

14 SECTION 2.13. Section 21.551, Education Code, is amended by
15 adding Subsections (f), (g), (h), and (i) to read as follows:

16 (f) The State Board of Education shall adopt one
17 appropriate, nationally recognized, norm-referenced assessment
18 instrument to be administered uniformly to each pupil at each of
19 the 4th, 6th, 8th, and 10th grade levels. The norm-referenced
20 assessment instrument adopted must be a secured test. The state
21 shall pay the costs of purchasing and scoring the adopted
22 assessment instrument and of distributing the results of the
23 adopted instrument to the school districts.

24 (g) The norm-referenced assessment instrument adopted must
25 meet all applicable federal rules and regulations. The normative
26 data used by the instrument must fairly represent all minority and
27 socio-economic groups.

1 (h) The norm-referenced assessment instrument bidders shall
2 disclose all bias information and data regarding studies and
3 procedures used for norming and item tryouts. The publisher of the
4 assessment instrument shall provide documentation to ensure that
5 student test scores will be as accurate as possible.

6 (i) For accountability purposes, the norm-referenced
7 assessment instrument shall measure the content that is appropriate
8 for the age and grade of the students through consistent tests in
9 the areas of reading, mathematics, language arts, science, and
10 social studies across all targeted grade levels where beneficial
11 for measuring academic progress. The instrument shall measure the
12 applications of higher order thinking skills across all content
13 areas. The proportion of higher order thinking skills measured
14 must be appropriate for the age and grade of the students. The
15 norm-referenced assessment instrument bidders shall disclose the
16 procedures used, including item classifications, to ensure adequate
17 measurement of higher order thinking skills.

18 SECTION 2.14. Section 21.753, Education Code, is amended to
19 read as follows:

20 Sec. 21.753. ACCREDITATION STANDARDS. (a) The State Board
21 of Education shall adopt rules for the accreditation of school
22 districts. The rules shall include criteria to evaluate the
23 performance of school districts and to rate each district for
24 accreditation purposes as:

- 25 (1) exemplary;
26 (2) recognized;
27 (3) accredited;

- 1 (4) accredited advised; or
2 (5) academically unaccredited [~~warned, or~~
3 [~~{6}~~--unaccredited].

4 (b) [~~The--board-may-not-rate-a-number-of-school-districts-as~~
5 ~~exemplary-that-exceeds-40-percent-of-the-number-of-districts--rated~~
6 ~~as-recognized-~~

7 [~~{e}~~] The criteria in the accreditation rules must include
8 consideration of:

9 (1) goals and objectives of the district;

10 (2) compliance with statutory requirements and
11 requirements imposed by rule of the State Board of Education under
12 statutory authority;

13 (3) adequate performance under the indicators adopted
14 under Section 21.7531 of this code;

15 (4) the relation between the academic excellence
16 indicators adopted by the board under Section 21.7531 of this code
17 and the campus performance objectives established under Section
18 21.7532 of this code, including the manner in which the campus
19 performance objectives were established and the progress of the
20 campus in meeting the objectives;

21 (5) the quality of learning on each of the district's
22 campuses based on indicators including [~~such--as~~] scores on
23 achievement tests;

24 (6) [~~{4}~~] the quality of the district's appraisal of
25 teacher performance and of administrator performance;

26 (7) [~~{5}~~] the effectiveness of district principals as
27 instructional leaders;

1 (8) the effectiveness of the district's campuses on
2 the basis of the most current criteria identified by research on
3 effective schools;

4 (9) [(6)] the fulfillment of curriculum requirements;

5 (10) [(7)] the effectiveness of the district's
6 programs in special education based on the Central Education
7 Agency's most recent compliance review of the district and programs
8 for special populations;

9 (11) [(8)--the--correlation--between--student--grades--and
10 performance--on--standardized--tests;

11 [(9)] the effectiveness [quality] of teacher
12 in-service training;

13 [(10)--paperwork--reduction--efforts;

14 [(11)--training--received--by--board--members;]

15 (12) the effective use of technology to enhance
16 student achievement; [the--effectiveness--of--the--district's--efforts
17 to--improve--attendance;

18 (13) the effectiveness of the district's remedial and
19 support programs under Section 21.557 of this code for students at
20 risk of dropping out of school;

21 (14) the effectiveness of the district's dropout
22 prevention and recovery programs; and

23 (15) [the--effectiveness--of--the--district's--drug--abuse
24 prevention--programs;

25 [(16)--parental---and---community--involvement--in--the
26 district;

27 [(17)] efficient allocation of available resources[;

1 and

2 [~~(18)---adequate---performance---under---the---indicators~~
3 ~~adopted-under-Section-21.7531-of-this-code~~].

4 (c) The Central Education Agency shall rate each campus in a
5 district on the basis of the campus's performance on the indicators
6 adopted under Section 21.7531 of this code using the rating
7 categories provided for districts under Subsection (a) of this
8 section.

9 (d) The accreditation rating of a school district or campus
10 under this section may not be lowered solely on the basis of size.

11 SECTION 2.15. Section 21.7531, Education Code, is amended to
12 read as follows:

13 Sec. 21.7531. ACADEMIC EXCELLENCE [~~PERFORMANCE~~] INDICATORS.

14 (a) The State Board of Education, on the advice of the academic
15 excellence indicators advisory committee, the educational
16 excellence committee, and the Legislative Education Board, shall
17 adopt a set of indicators of the quality of learning on a campus
18 and other performance standards. The board biennially shall review
19 the indicators for the consideration of appropriate revisions.

20 (b) Performance on the indicators required by this section
21 shall be compared to a projection of expected performance for
22 purposes of evaluation, accreditation, and determination of
23 exemplary status. The indicators must include:

24 (1) the results of criterion-referenced assessment
25 instruments required under Section 21.551 of this code; [a
26 comparision-of-the-district's-performance-to--a--projeetien--of--the
27 district's-expected-performance,-and]

1 (2) the results of tests with national norms,
2 including the Scholastic Aptitude Test and the American College
3 Test;

4 (3) high school graduation rates;

5 (4) student attendance;

6 (5) student enrollment in advanced academic courses;

7 and

8 (6) the degree of change from one school year to the
9 next in the items under Subdivisions (1) through (5) of this
10 subsection, considering the impact of student mobility [~~the-Central~~
11 Education-Agency's-most-recent-compliance-review-of-the--district's
12 special-education-program].

13 (c) The State Board of Education shall report the status of
14 education in the state as reflected by the indicators to the
15 legislature not later than February 1 of each odd-numbered year.

16 (d) The academic excellence indicators adopted under this
17 section shall be the main consideration of the Central Education
18 Agency in the rating of a district under Section 21.753 of this
19 code.

20 (e) The Educational Economic Policy Center shall biennially
21 review the indicators adopted under this section and recommend
22 changes in those indicators to the State Board of Education and the
23 Legislative Education Board.

24 SECTION 2.16. Subchapter T, Chapter 21, Education Code, is
25 amended by adding Section 21.7532 to read as follows:

26 Sec. 21.7532. CAMPUS PERFORMANCE OBJECTIVES. (a) For each
27 school year, the principal of each school campus, with the

1 assistance of parents, community residents, and the professional
2 staff of the school as provided for through the procedure
3 established in Section 21.930 of this code, shall establish
4 academic and other performance objectives of the campus for each
5 academic excellence indicator adopted under Section 21.7531 of this
6 code. The objectives shall also address the performance of special
7 needs students. The objectives must be approved by the district's
8 board of trustees.

9 (b) In this section "parent" means a person who is a parent
10 of or person standing in parental relation to a student enrolled at
11 a school and who is not an employee of the school or the school
12 district; "community resident" means a person 18 years of age or
13 older residing in the attendance area of a school but does not
14 include a person who is a parent of a student enrolled in that
15 school or a person who is an employee of the school or the school
16 district.

17 SECTION 2.17. Section 21.754, Education Code, is amended to
18 read as follows:

19 Sec. 21.754. INVESTIGATIONS. (a) The Central Education
20 Agency shall annually review the performance of each district and
21 campus on the indicators adopted in Section 21.7531 of this code
22 and determine if specific action is warranted. The review may
23 include limited [~~determine-whether-each-school-district-satisfies~~
24 ~~the-accreditation-criteria-from-reports--furnished--by--the--school~~
25 ~~district-or-from-an] on-site evaluation if necessary.~~

26 (b) The State Board of Education by rule shall establish a
27 schedule for on-site evaluations by the Central Education Agency.

1 The rules must require that:

2 (1) each district is visited and all accreditation
3 criteria investigated not less than once every six years, except
4 that the board may extend that period for districts rated:

5 (A) as exemplary for an additional period not to
6 exceed two years; and

7 (B) as recognized for an additional period not
8 to exceed one year;

9 (2) each district rated as accredited advised is
10 visited and assisted not less than once every two years;

11 (3) each district rated as academically unaccredited
12 [~~warned~~] is visited and assisted not less than once each year; and

13 (4) each district that has a poor performance under
14 the indicators adopted under Section 21.7531 of this code is
15 investigated more frequently than otherwise required under this
16 section.

17 (c) Each annual review shall include an analysis of:

18 (1) student performance;

19 (2) attendance, promotion, and dropout rates;

20 (3) program costs; and

21 (4) [~~results-of-teacher-and-parent-surveys,-and~~

22 [~~5~~]] other information required by the board.

23 (d) In compliance with Section 21.925 of this code, the
24 board shall make optimum use of the agency's public education
25 information management system to minimize the written reporting
26 requirements of school districts.

27 (e) To determine if a district qualifies for a higher rating

1 or on identification of potential problems, the commissioner may
2 direct the agency to conduct on-site investigations at any time and
3 may raise or lower the accreditation rating as a [as] result of the
4 investigation.

5 (f) ~~[The agency shall direct investigators to be alert to~~
6 ~~any fundamental deficiencies in a district's educational system,~~
7 ~~such as failure of the district to satisfy curriculum requirements,~~
8 ~~and to report deficiencies to agency staff responsible for research~~
9 ~~and planning.~~

10 [(g)] In making an accreditation investigation, the
11 investigators shall obtain information from campus administrators,
12 teachers, and parents of students enrolled at [in] the campus
13 ~~[district]~~. The investigation may not be closed until information
14 is obtained from each of those sources. The board shall adopt
15 rules for:

16 (1) obtaining information from parents and using that
17 information in the investigator's report; and

18 (2) obtaining information from teachers in a manner
19 that prevents the campus or district from screening the
20 information.

21 (g) [(h)] The agency shall give written notice to the
22 superintendent and the board of trustees of any impending
23 investigation of the district's accreditation.

24 (h) If an annual review from reports furnished by the school
25 district indicates low performance on one or more of the criteria
26 listed in Subsection (c) of this section of one or more campuses in
27 a district, the agency may conduct an on-site evaluation of those

1 campuses only.

2 SECTION 2.18. Section 21.757, Education Code, is amended to
3 read as follows:

4 Sec. 21.757. SANCTIONS. (a) If a district does not satisfy
5 the accreditation criteria, the commissioner of education shall
6 take the following actions to the extent the commissioner
7 determines necessary:

8 (1) confidential notice of the deficiency to any
9 accreditation committee of the board of trustees and to the
10 district superintendent;

11 (2) public notice of the deficiency to the board of
12 trustees;

13 (3) appointment of an agency monitor to participate in
14 and report to the agency on the activities of the board of
15 trustees; [and]

16 (4) appointment of a master to oversee the operations
17 of the district; and

18 (5) appointment of a management team to oversee the
19 operations of the district.

20 (b) If a campus is rated accredited advised or academically
21 unaccredited, the commissioner shall take the following actions to
22 the extent the commissioner determines necessary:

23 (1) appointment of a monitor, master, or management
24 team to oversee the operations of the campus; or

25 (2) order the board of trustees or the superintendent
26 to take certain actions relating to the operations of the campus.

27 (c) If a district fails to satisfy accreditation criteria

1 despite the actions of the commissioner under this section, the
2 commissioner [~~State-Board-of-Education~~] shall revoke the district's
3 accreditation [~~and-shall-withhold-state-funds-from--the--district~~].

4 (d) [~~(e)~~] The costs of providing a monitor, [~~or-a~~] master,
5 or management team shall be paid by the district.

6 (e) A master or management team appointed to oversee the
7 operations of the district may approve or disapprove any action of
8 the principal of a campus, the superintendent of the district, or
9 the board of trustees of the district.

10 (f) A master or management team appointed to oversee the
11 operations of a campus may approve or disapprove any action that
12 relates to the campus and that is taken by the principal of the
13 campus, the superintendent of the district, or the board of
14 trustees of the district.

15 (g) [~~(d)~~] A district that is rated academically unaccredited
16 [~~does--not--have-a-rating-above-accredited-advised~~] for a period of
17 two [~~three~~] years shall be annexed to another district under
18 Section 19.027 of this code or the commissioner shall order the
19 creation of a state-operated school district under Section 21.758
20 of this code [~~is--unaccredited--at-the-conclusion-of-that-period~~
21 ~~unless-the-district-qualifies-for-a-rating-above-accredited-advised~~
22 ~~at-that-time~~].

23 (h) Notwithstanding any provision to the contrary, a
24 district that is rated accredited advised or academically
25 unaccredited for a period of two consecutive years may not enter
26 into a contract with an administrator for a term greater than one
27 year unless the administrator has not been previously employed by

1 the district. This subsection does not apply if it is determined
2 by the accreditation review that the reasons for the district being
3 rated accredited advised or academically unaccredited are not
4 related to substantial deficiencies in the administrator's
5 performance.

6 SECTION 2.19. Subchapter T, Chapter 21, Education Code, is
7 amended by adding Section 21.758 to read as follows:

8 Sec. 21.758. STATE-OPERATED SCHOOL DISTRICT. (a) The
9 commissioner of education may order the suspension of the powers of
10 the board of trustees of a school district if the school district
11 has been rated academically unaccredited for a period of two years.
12 The commissioner shall immediately inform the Legislative Education
13 Board of the commissioner's decision to order the suspension.

14 (b) At the time the commissioner enters the order, the
15 commissioner shall appoint a board of managers to execute the
16 powers of the board of trustees during the period of suspension and
17 shall appoint a district superintendent. The appointed
18 superintendent shall perform all acts and duties necessary for the
19 proper conduct, maintenance, and supervision of the schools in the
20 district. The board of managers and the superintendent shall be
21 appointed for terms not to exceed two years from the date that the
22 order of suspension is entered.

23 (c) The appointed superintendent shall report annually to
24 the commissioner on the progress of the school district toward
25 meeting the requirements necessary for accreditation. The
26 commissioner shall report to the Legislative Education Board
27 annually on the district's progress.

1 (d) Based on the annual assessment of progress of the school
2 district, but no later than two years after the date that the order
3 of suspension is entered, the commissioner shall order that the
4 suspension be terminated or that the district be annexed under
5 Section 19.027 of this code.

6 (e) If the commissioner determines that the suspension
7 should be terminated, the appointed superintendent and the members
8 of the superintendent's staff shall continue to serve for a
9 one-year transition period.

10 (f) An appointed superintendent may apply to the
11 commissioner for an exemption for the school district from a
12 requirement or prohibition imposed under this code, including a
13 rule adopted under this code, other than a prohibition of conduct
14 that constitutes a criminal offense or a requirement or prohibition
15 included under Section 11.272(b) of this code.

16 SECTION 2.20. Section 21.920, Education Code, is amended by
17 adding Subsection (e) to read as follows:

18 (e) An appeal to the commissioner of education is not a
19 contested case under the Administrative Procedure and Texas
20 Register Act (Article 6252-13a, Vernon's Texas Civil Statutes) if
21 the issues presented relate to a student's eligibility to
22 participate in extracurricular activities, including issues related
23 to the student's grades or the school district's grading policy as
24 applied to the student's eligibility. The commissioner may
25 delegate the matter for decision to a person or entity the
26 commissioner designates. The decision of the commissioner or the
27 commissioner's designee in a matter governed by this subsection may

1 not be appealed except on the grounds that the decision is
2 arbitrary or capricious. Evidence may not be introduced on appeal
3 other than the record of the evidence before the commissioner.

4 SECTION 2.21. Subchapter Z, Chapter 21, Education Code, is
5 amended by adding Section 21.930 to read as follows:

6 Sec. 21.930. DISTRICT-LEVEL DECISION PROCESS. (a) The
7 board of trustees of each school district shall adopt a policy to
8 involve the professional staff of the district in establishing and
9 reviewing the district's educational goals, objectives, and major
10 district-wide classroom instructional programs.

11 (b) The board shall establish a procedure under which
12 meetings are held regularly with representative professional staff
13 and the board or board designee.

14 (c) The board shall adopt a procedure, consistent with
15 Section 21.904(a) of this code, for the professional staff within
16 the district to nominate and elect the representatives who will
17 meet with the board or the board designee as required under the
18 provisions of this section. Two-thirds of the elected
19 representatives must be classroom teachers. The remaining
20 representatives shall be campus-based staff.

21 (d) This section does not prohibit the board from conducting
22 meetings with teachers or groups of teachers other than the
23 meetings described by this section.

24 (e) Nothing in this section shall be construed to limit or
25 affect the power of a local school board of trustees to manage and
26 govern the public free schools of this state.

27 (f) Nothing in this section shall be construed as creating a

1 new cause of action or as requiring collective bargaining.

2 SECTION 2.22. Subsection (c), Section 11.13, Education Code,
3 is amended to read as follows:

4 (c) Any person, county, or school district aggrieved by any
5 action of the Central Education Agency or decision of the
6 commissioner of education may appeal to a district court in Travis
7 County, Texas. Appeals shall be made by serving the commissioner
8 of education with citation issued and served in the manner provided
9 by law for civil suits. The petition shall state the action or
10 decision from which the appeal is taken. Upon trial the court
11 shall determine all issues of law and fact, except as provided by
12 Section 21.920(e) of this code.

13 SECTION 2.23. Subchapter B, Chapter 403, Government Code, is
14 amended by adding Section 403.020 to read as follows:

15 Sec. 403.020. SCHOOL DISTRICT BUDGET REVIEW. The
16 comptroller may periodically review the effectiveness and
17 efficiency of the budgets and operations of school districts.

18 SECTION 2.24. Subsection (a), Section 11.14, Education Code,
19 is amended to read as follows:

20 (a) The provisions of this chapter shall not be construed to
21 give the State Board of Education, the commissioner of education,
22 the State Department of Education, or anyone whomsoever, the power
23 to close, to consolidate, or cause by regulation or rule to be
24 closed or consolidated, any public school district in this state.
25 This subsection does not affect the powers of the commissioner
26 under Section 19.027 of this code.

27 SECTION 2.25. All rules under Title 19, Texas Administrative

1 Code, Chapters 29 through 74 and 76 through 93 inclusive that were
2 adopted by the State Board of Education before the effective date
3 of this Act are void as of June 1, 1991, regardless of the
4 effective date of the rules. All rules under Title 19, Texas
5 Administrative Code, Chapters 94 through 133 inclusive that were
6 adopted by the State Board of Education before September 1, 1991,
7 are void as of June 1, 1992, regardless of the effective date of
8 the rules. All rules under Title 19, Texas Administrative Code,
9 Chapters 134 through 181 inclusive that were adopted by the State
10 Board of Education before September 1, 1992, are void as of June 1,
11 1993, regardless of the effective date of the rules. In addition,
12 all rules relating to teaching time and methodology under Title 19,
13 Texas Administrative Code, Chapter 75, that were adopted by the
14 State Board of Education before the effective date of this Act are
15 void as of September 1, 1990, regardless of the effective date of
16 the rules.

17 SECTION 2.26. (a) Before February 1, 1991, the State Board
18 of Education shall submit to the governor the name of a person to
19 consider for appointment as the commissioner of education. The
20 governor shall nominate a person to serve as the commissioner of
21 education for a term beginning March 1, 1991, and expiring March 1,
22 1995.

23 (b) The person serving as commissioner of education on the
24 effective date of this Act shall continue to serve until an
25 appointment is made under Subsection (a) of this section unless
26 that person vacates the position or is removed. If that person
27 vacates the position before March 1, 1991, the governor shall

1 appoint a person to serve in that position until March 1, 1991.

2 SECTION 2.27. Not later than January 1, 1991, institutions
3 that offer teacher education programs shall develop an initial plan
4 under Section 13.049, Education Code, as added by this Act.

5 SECTION 2.28. The advisory committee appointed under Section
6 2.30, Chapter 813, Acts of the 71st Legislature, Regular Session,
7 1989, shall submit recommendations for the academic excellence
8 indicators to the State Board of Education. The board shall adopt
9 academic excellence indicators under Section 21.7531, Education
10 Code, not later than January 1, 1991.

11 SECTION 2.29. The following sections of the Education Code
12 are repealed:

13 (1) Section 11.25(c);

14 (2) Subsection (a), Section 11.26; and

15 (3) Section 21.752.

16 SECTION 2.30. Section 2.13 of this article applies beginning
17 with the 1991-1992 school year. The former law applies for the
18 1990-1991 school year and is continued in effect for that purpose.

19 SECTION 2.31. Section 2.23 of this article takes effect
20 September 1, 1991.

21 ARTICLE III. EFFICIENCY

22 SECTION 3.01. Section 11.208, Education Code, as added by
23 Chapter 658, Acts of the 71st Legislature, Regular Session, 1989,
24 is amended by amending Subsection (b) and adding Subsections (d)
25 through (f) to read as follows:

26 (b) The agreement shall include provisions for:

27 (1) the commission to assist regional education

1 service centers in providing inservice training in substance abuse
2 prevention for school districts;

3 (2) the joint annual review by the agency and the
4 commission of the regional education service centers' substance
5 abuse prevention and early intervention programs;

6 (3) the exchange of information between the agency and
7 the commission relating to students in need of substance abuse
8 prevention services; and

9 (4) a system to provide school districts [~~preven~~]
10 model peer assistance [~~programs~~] for substance abuse prevention.

11 (d) The commission may provide a statewide peer assistance
12 and leadership system to include the training of trainers,
13 clearinghouse services, and technical assistance to school
14 districts and to train and provide a full-time peer program
15 coordinator for each regional education service center.

16 (e) The peer program coordinator may:

17 (1) assist school districts and campuses to develop
18 and implement peer assistance and leadership programs;

19 (2) train teachers and other personnel for those
20 programs;

21 (3) establish regional peer assistance and leadership
22 networks; and

23 (4) participate in the statewide peer assistance and
24 leadership network.

25 (f) The Central Education Agency jointly with the Texas
26 Commission on Alcohol and Drug Abuse may design a substance abuse
27 assessment and intervention program for the public schools. Each

1 school district may implement the program, under guidelines adopted
2 by the agency and the commission.

3 SECTION 3.02. Section 11.27, Education Code, as added by
4 Chapter 287, Acts of the 71st Legislature, Regular Session, 1989,
5 is amended to read as follows:

6 Sec. 11.27. INNOVATIVE ~~[DEMONSTRATION]~~ PROGRAMS. (a) The
7 State Board of Education shall establish a process under which [a
8 ~~limited---number---of~~] programs developed by school campuses
9 ~~[districts]~~ may be approved ~~[by-the-board]~~, notwithstanding lack of
10 compliance with other statutory requirements, to demonstrate
11 innovative educational practices.

12 (b) Innovative programs that may be approved under this
13 section include, but are not limited to, programs relating to:

- 14 (1) school year restructuring;
- 15 (2) alternative learning environments;
- 16 (3) parental literacy;
- 17 (4) decentralization of organizational decisions;
- 18 (5) instructional technology;
- 19 (6) student and parental choice among public schools;
- 20 (7) child care;
- 21 (8) early childhood education;
- 22 (9) an extended school day;
- 23 (10) teacher and administrator development;
- 24 (11) continuous progress education;
- 25 (12) student-teacher ratios below 22:1 in elementary
26 grades;
- 27 (13) use of elementary school guidance counselors,

1 social workers, and other personnel in successful dropout
2 prevention programs;

3 (14) career development for students;

4 (15) bilingual training;

5 (16) the generation of more effective parental
6 involvement with the schools;

7 (17) school-age latch-key children;

8 (18) volunteer efforts with the private sector;

9 (19) coordination of school activities with community
10 health and human services programs and other community resources;

11 (20) magnet schools;

12 (21) interdisciplinary curriculum;

13 (22) peer tutoring;

14 (23) counseling of families of at-risk students; and

15 (24) comprehensive coordination with health and human
16 service delivery systems.

17 (c) Innovative program applications shall initially be
18 selected on a competitive, peer review basis by the program
19 advisory committee established under Section 11.271 of this code,
20 with final approval by the State Board of Education and, if the
21 program requires the expenditure of state funds, the Legislative
22 Education Board [A-demonstration-program-may-not-exceed--two--years
23 in--duration,--and--not--more--than-20-programs-may-be-approved-for
24 operation-at-any-one-time.

25 [(e) --To-be-approved--under--this--section,--a--demonstration
26 program-must-

27 [(1) --focus-----on----improvements----in----educational

1 productivity, efficiency, and accountability,

2 [(2) -- preserve to the satisfaction of the board the
3 rights of students, parents, and teachers granted by law, and

4 [(3) -- provide specific procedures for the evaluation of
5 the program].

6 (d) A school campus's [district's] application for approval
7 of a program under this section must include substantial evidence
8 that the campus [district] has adequately planned the program and
9 that the application has been approved by the district's board of
10 trustees.

11 (e) The approval by the State Board of Education of an
12 application under this section that requires the expenditure of
13 state funds is ineffective unless [A demonstration program approved
14 under this section may not result in an increase in the amount of
15 state funds allocated to the district or a decrease in the amount
16 allocated to any other district.

17 [(f) -- State funds may not be expended on a demonstration
18 program authorized by this section unless the program has been
19 reviewed and approved in advance by] the Legislative Education
20 Board approves the expenditure of state funds for the program under
21 the authority of Article XVI, Section 69, of the Texas
22 Constitution.

23 (f) [(g)] If an innovative [a demonstration] program
24 proposes a deviation from a requirement or prohibition imposed by
25 state law or rule, final approval of the program [by the State
26 Board of Education] constitutes a waiver of the requirement or
27 prohibition for the duration of the program. A prohibition on

1 conduct that constitutes a criminal offense may not be waived.

2 (g) A school campus with an approved innovative program
3 receiving funds under Section 11.271 of this code shall report on
4 the progress of the program to the Central Education Agency not
5 later than September 1 of each year after the school year that the
6 funding is received and upon completion of the program.

7 (h) The Central Education Agency shall evaluate each
8 program's effectiveness and shall report its findings to the
9 Legislative Education Board and to the State Board of Education not
10 later than December 1 preceding each regular session of the
11 legislature.

12 SECTION 3.03. Subchapter B, Chapter 11, Education Code, is
13 amended by adding Section 11.271 to read as follows:

14 Sec. 11.271. PUBLIC EDUCATION DEVELOPMENT FUND. (a) The
15 public education development fund is an account in the General
16 Revenue Fund. The comptroller of public accounts may receive gifts
17 and grants for the public education development fund.

18 (b) Funds that may be credited to the public education
19 development fund include gifts, grants, and legislative
20 appropriations.

21 (c) The State Board of Education shall administer the public
22 education development fund.

23 (d) Each fiscal year, the board, after deducting the cost of
24 administration not to exceed an amount set by appropriation, shall
25 make disbursements from the public education development fund to
26 the Educational Economic Policy Center in a total amount approved
27 by the Legislative Education Board. The board shall disburse the

1 remainder of the fund to eligible school campuses.

2 (e) To be eligible for a disbursement from the public
3 education development fund under this section, a school campus must
4 have an approved innovative program application under Section 11.27
5 of this code. A campus may use funds received under this section
6 for the approved innovative program only.

7 (f) A gift or grant to the public education development fund
8 that provides the terms of its disbursement may be distributed only
9 as specifically provided by the terms of the gift or grant.

10 (g) Seventy percent of the funds disbursed under this
11 section must be for projects designed to improve the academic
12 achievement of low-performing students. Priority shall be given to
13 projects submitted by campuses that have 60 percent or fewer
14 students who perform satisfactorily on the criterion-referenced
15 assessment instrument required under Section 21.551 of this code or
16 that are otherwise low-performing campuses as defined by rule of
17 the State Board of Education.

18 (h) From funds appropriated for the public education
19 development fund, the comptroller shall issue warrants to the
20 Educational Economic Policy Center and to each eligible school
21 campus's school district in the amount certified by the board to
22 the comptroller.

23 (i) The Educational Economic Policy Committee shall appoint
24 a program advisory committee, composed of experts in policy
25 research and disciplines that represent the center's purposes, to
26 make recommendations to the State Board of Education and the
27 Legislative Education Board on the use of the public education

1 development fund.

2 SECTION 3.04. Subsection (c), Section 12.01, Education Code,
3 is amended to read as follows:

4 (c) Except as otherwise specifically defined in this
5 chapter, "textbooks" or "books" as used herein shall mean books,
6 systems of instructional materials, or combinations of books and
7 supplementary instructional materials which convey information to
8 the pupil or otherwise contribute to the learning process, computer
9 software, including but not limited to applications using computer
10 assisted instruction, interactive videodisc, other computer
11 courseware, and magnetic media [~~provided--that--these--can---be~~
12 ~~delivered-in-lieu-of-textbooks-with-similar-costs-to-the-state~~].

13 SECTION 3.05. Section 13.352, Education Code, is amended by
14 amending Subsection (d) and adding Subsection (f) to read as
15 follows:

16 (d) Each principal shall:

17 (1) approve all teacher and staff appointments
18 [~~participate-in-the-selection-of--teachers~~] for that principal's
19 campus from a pool of applicants selected by the district or of
20 applicants who meet the hiring requirements established by the
21 district, based on criteria developed by the principal after
22 informal consultation with the faculty;

23 (2) set specific education objectives for his campus,
24 involving staff in the planning process;

25 (3) develop budgets for his campus; [and]

26 (4) work with school professionals to prepare
27 individual development plans; and

1 (5) attend in-service training relating to making
2 district-level decisions provided under Section 13.049(b) of this
3 code.

4 (f) The board of trustees of a school district shall adopt a
5 policy for the selection of a campus principal that includes
6 qualifications required for that position.

7 SECTION 3.06. Section 13.354, Education Code, is amended by
8 adding Subsection (e) to read as follows:

9 (e) The appraisal of a principal shall include the
10 performance of the principal's campus on the indicators established
11 in Section 21.7531 of this code and the campus's objectives set
12 under Section 21.7532 of this code, including performance gains of
13 the campus and the maintenance of those gains.

14 SECTION 3.07. Chapter 14, Education Code, is amended by
15 adding Subchapter D to read as follows:

16 SUBCHAPTER D. TECHNOLOGY FUND

17 Sec. 14.061. PURPOSE. The purpose of this subchapter is to
18 establish a technology fund to:

19 (1) provide substantially equal access for students
20 throughout the state to instruction of high quality, to all
21 required courses of study, and to information resources;

22 (2) provide substantially equal access for teachers
23 and administrators throughout the state to teaching tools of high
24 quality, to efficient management systems, and to instruction in
25 using technology in the classroom; and

26 (3) measure student productivity throughout the state.

27 Sec. 14.062. ESTABLISHMENT. (a) The technology fund is an

1 account in the General Revenue Fund. The Central Education Agency
2 may receive gifts and grants for the technology fund.

3 (b) Funds that may be credited to the account include gifts,
4 grants, and legislative appropriations.

5 Sec. 14.063. FUND ADMINISTRATION; TECHNOLOGY ALLOTMENT.

6 (a) The Central Education Agency shall administer the technology
7 fund and shall make annual disbursements from the technology fund.

8 (b) Each school district is entitled to an annual allotment
9 for the purposes provided under Section 14.064 of this code equal
10 to its unadjusted average daily attendance multiplied by:

11 (1) \$30 for the 1992-1993 school year, or a greater
12 amount provided by appropriation;

13 (2) \$35 for the 1993-1994 school year, or a greater
14 amount provided by appropriation;

15 (3) \$40 for the 1994-1995 school year, or a greater
16 amount provided by appropriation;

17 (4) \$45 for the 1995-1996 school year, or a greater
18 amount provided by appropriation; and

19 (5) \$50 for the 1996-1997 school year and for each
20 school year thereafter, or a greater amount provided by
21 appropriation.

22 (c) The cost of the technology allotment is shared by the
23 state and district in the same percentages as the district's
24 Foundation School Program under Chapter 16 of this code. The
25 state's share is paid from the technology fund.

26 (d) The State Board of Education shall establish rules for
27 the administration of this section. The rules shall provide that

1 the equipment purchased shall meet the standards established under
2 this chapter.

3 (e) If an insufficient amount is available in the fund for
4 the state's share of the allotments under Subsection (b) of this
5 section, the agency shall reduce each district's allotment by
6 application of the formula adopted under Section 16.254(d) of this
7 code.

8 Sec. 14.064. USE OF ALLOTMENT. (a) A district's allotment
9 under Section 14.063 of this code may be used only for:

10 (1) the acquisition of technological equipment and
11 related services, including hardware, software, courseware,
12 training, subscription fees for telecommunications and data base
13 services, and other related services for the purposes of this
14 subchapter; and

15 (2) the research and development of emerging
16 instructional technology.

17 (b) The Central Education Agency shall monitor the use of
18 each district's allotment to ensure that at least 75 percent of the
19 allotment is used to provide classroom instructional services and
20 programs.

21 Sec. 14.065. TECHNOLOGY PLAN. To be eligible for an
22 allotment under this chapter, a school district shall file with the
23 Central Education Agency and with the Department of Information
24 Resources a five-year plan for the use of a technology allotment.
25 Each year the district uses a technology allotment, the district
26 shall report to the agency how the use of the allotment relates to
27 the training of the district's personnel using the technology and

1 to the five-year plan or to a proposed plan to train personnel.

2 SECTION 3.08. Section 16.003, Education Code, is amended to
3 read as follows:

4 Sec. 16.003. STUDENT ELIGIBILITY. (a) A student is
5 entitled to the benefits of the Foundation School Program if he is
6 5 years of age or older and under 21 years of age at the beginning
7 of the scholastic year and has not graduated from high school.

8 (b) A student to whom Subsection (a) of this section does
9 not apply is entitled to the benefits of the Foundation School
10 Program if the student is enrolled in a prekindergarten class under
11 Section 21.136 of this code.

12 (c) The commissioner of education, in consultation with the
13 Commissioner of Human Services, shall monitor and evaluate
14 prekindergarten programs in the State of Texas as to their
15 developmental appropriateness. Furthermore, the commissioner of
16 education, in consultation with the Commissioner of Human Services,
17 shall evaluate the potential for coordination on a statewide basis
18 of prekindergarten programs with government-funded early childhood
19 care and education programs such as child care administered under
20 Chapter 44 of the Human Resources Code and federal Head Start
21 programs. This evaluation shall utilize recommendations contained
22 in the report to the 71st Legislature required by Chapter 717, Acts
23 of the 70th Legislature, Regular Session, 1987. For the purpose of
24 providing cost-effective care for children during the full work day
25 with developmentally appropriate curriculum, the commissioners
26 shall investigate the use of existing child care program sites as
27 prekindergarten sites.

1 (d) A child may be enrolled in the first grade if he is at
2 least six years of age at the beginning of the scholastic year or
3 has been enrolled in the first grade or has completed kindergarten
4 in the public schools in another state prior to transferring to a
5 Texas public school.

6 SECTION 3.09. Section 16.007, Education Code, is amended to
7 read as follows:

8 Sec. 16.007. PUBLIC EDUCATION INFORMATION MANAGEMENT SYSTEM
9 (PEIMS). (a) Each school district shall participate in the Public
10 Education Information Management System (PEIMS) and shall provide
11 through that system information required for the administration of
12 this chapter and of other appropriate provisions of this code.

13 (b) Each school district shall use a uniform accounting
14 system adopted by the commissioner of education for the data
15 required to be reported for the Public Education Information
16 Management System.

17 SECTION 3.10. Section 16.056, Education Code, is amended by
18 adding Subsection (h) to read as follows:

19 (h) In determining the placement of a teacher on the salary
20 schedule under Subsection (c) of this section, a district shall
21 credit the teacher for each year of experience, whether or not the
22 years are consecutive. Notwithstanding the provision of this
23 subsection, no teacher shall be placed on the salary schedule at a
24 step above the step where the teacher would have been placed had
25 that teacher remained in continuous service.

26 SECTION 3.11. Subsection (a), Section 21.031, Education
27 Code, is amended to read as follows:

1 (a) All children who are citizens of the United States or
2 legally admitted aliens and who are [~~ever-the-age-of~~] five years of
3 age or older and under the age of 21 years on the first day of
4 September of any scholastic year shall be entitled to the benefits
5 of the Available School Fund for that year. All other children
6 enrolled in a prekindergarten class under Section 21.136 of this
7 code are entitled to the benefits of the Available School Fund.

8 SECTION 3.12. Subsection (a), Section 21.033, Education
9 Code, is amended to read as follows:

10 (a) The following classes of children are exempt from the
11 requirements of compulsory attendance:

12 (1) any child in attendance upon a private or
13 parochial school which shall include in its course a study of good
14 citizenship;

15 (2) any child who is handicapped as defined in Section
16 21.503 of this code and who cannot be appropriately served by the
17 resident district in accordance with the requirements of Section
18 21.032 of this code;

19 (3) any child who has a physical or mental condition
20 of a temporary and remediable nature which renders such child's
21 attendance infeasible and who holds a certificate from a qualified
22 physician specifying the temporary condition, indicating the
23 treatment prescribed to remedy the temporary condition, and
24 covering the anticipated period of the child's absence from school
25 for the purpose of receiving and recuperating from such remedial
26 treatment; [~~and~~]

27 (4) any child expelled in accordance with the

1 requirements of law;

2 (5) any child who is at least 17 years old and in
3 attendance upon a course of instruction to prepare for the high
4 school equivalency examinations; and

5 (6) any child who is at least 16 years old and in
6 attendance upon a course of instruction to prepare for the high
7 school equivalency examinations provided that the person is
8 recommended to the course of instruction by a public agency which
9 has supervision or custody of the person under a court order.

10 SECTION 3.13. Section 21.136, Education Code, is amended to
11 read as follows:

12 Sec. 21.136. PREKINDERGARTEN. (a) Any school district may
13 offer prekindergarten classes, but a district shall offer
14 prekindergarten classes if the district identifies 15 or more
15 eligible children who are at least four years of age. To receive
16 state funds for children three years of age, the board of trustees
17 of a district may submit an application for the funds to the
18 commissioner of education. Subject to the availability of
19 appropriated funds, the commissioner shall approve the application
20 if there are 15 or more eligible three-year-old children in the
21 district.

22 (b) To be eligible for enrollment in a prekindergarten class
23 a child must be at least three [~~four~~] years of age and must be:

24 (1) unable to speak and comprehend the English
25 language; or

26 (2) from a family whose income, according to standards
27 set by the State Board of Education, is at or below subsistence

1 level.

2 (c) Prekindergarten classes shall be operated on a half-day
3 basis. A district is not required to provide transportation for
4 prekindergarten classes, but transportation, if provided, is
5 included for funding purposes as part of the regular transportation
6 system.

7 (d) On application of a school district, the commissioner of
8 education may exempt a district from the application of this
9 section if the district would be required to construct classroom
10 facilities in order to provide prekindergarten classes.

11 (e) For the [~~1989-1990--and~~] 1990-1991 school year [~~years~~]
12 the cost of the program is shared by the state and district in the
13 same percentages used to determine the state/local shares under
14 Chapter 16 of this code. The state's share is paid from the
15 foundation school fund and may not exceed \$55 million a year. If
16 that amount will not fully fund the program, the commissioner shall
17 proportionately reduce each district's allocations.

18 (f) Each school district shall develop a system to notify
19 the population in the district with children who are eligible for
20 enrollment in a prekindergarten class of the availability of the
21 class. The system must include public notices issued in English
22 and Spanish.

23 (g) [~~(f)~~] A district's prekindergarten program shall be
24 designed to develop skills necessary for success in the regular
25 public school curriculum, including language, mathematics, and
26 social skills.

27 SECTION 3.14. Subsection (b), Section 21.205, Education

1 Code, is amended to read as follows:

2 (b) The hearing shall be conducted in accordance with rules
3 promulgated by the district. The board of trustees may designate a
4 person to serve as an impartial hearing officer to develop a record
5 for consideration by the board. The board shall make its decision
6 based on a review of the record developed by the impartial hearing
7 officer and on oral argument before the board of the teacher or the
8 teacher's representative and the district's representative.

9 SECTION 3.15. (a) Subchapter Z, Chapter 21, Education Code,
10 is amended by adding Section 21.9012 to read as follows:

11 Sec. 21.9012. ENERGY CONSERVATION MEASURES. (a) The board
12 of trustees of a school district may enter into a contract for
13 energy conservation measures to reduce energy consumption or
14 operating costs of school facilities in accordance with this
15 section.

16 (b) A contract to which this section applies includes a
17 contract for the installation of:

18 (1) insulation of the building structure and systems
19 within the building;

20 (2) storm windows or doors, caulking or
21 weatherstripping, multiglazed windows or doors, heat absorbing or
22 heat reflective glazed and coated window or door systems, or other
23 window or door system modifications that reduce energy consumption;

24 (3) automatic energy control systems, including
25 computer software and technical data licenses;

26 (4) heating, ventilating, or air-conditioning system
27 modifications or replacements;

1 (5) lighting fixtures that increase energy efficiency;
2 or
3 (6) energy recovery systems.

4 (c) The person with whom the board contracts must be
5 experienced in the design, implementation, and installation of
6 energy conservation measures.

7 (d) Before entering into a contract for energy conservation
8 measures, the board shall require the provider of the energy
9 conservation measures to file with the board a performance bond
10 that is in an amount the board finds reasonable and necessary to
11 protect the interests of the school district and that covers the
12 value of the guaranteed savings on the contract and is conditioned
13 on the faithful execution of the terms of the contract.

14 (e) The board may enter into a contract for a period of more
15 than one year for energy conservation measures with a person if the
16 board finds that the amount the school district would spend on the
17 energy conservation measures will not exceed the amount to be saved
18 in energy and operating costs over 10 years from the date of
19 installation. If the term of a contract for energy conservation
20 measures exceeds one year, the district's contractual obligation in
21 any year during the term of the contract may not exceed the total
22 energy and operating cost savings, including but not limited to
23 electrical, gas, or other utility cost savings and operating cost
24 savings resulting from automatic monitoring and control, as
25 determined by the board in this subsection, divided by the number
26 of years in the contract term. The board shall consider all costs
27 of the energy conservation measures, including costs of design,

1 engineering, installation, maintenance, repairs, and debt service.

2 (f) A contract for energy conservation measures, with
3 respect to existing buildings or facilities, may be a
4 lease/purchase contract, with a term not to exceed 10 years, that
5 meets federal tax requirements for tax-free municipal leasing or
6 long-term financing.

7 (g) A contract under this section may be let under
8 competitive proposal procedures. Notice of the request for
9 proposals shall be published in the manner provided for competitive
10 bidding. Requests for proposals must solicit quotations and must
11 specify the relative importance of guaranteed savings, price,
12 financial performance and stability, quality, technical ability,
13 experience, and other evaluation factors. The contract shall be
14 awarded to the responsible offeror whose proposal, following
15 negotiations, is determined to be the most advantageous to the
16 school district considering the guaranteed savings and other
17 evaluation factors set forth in the request for proposals.

18 (h) In accordance with the terms of a request for proposals
19 under Subsection (g) of this section and with regulations adopted
20 by the board of trustees, the school district may conduct
21 discussions with offerors who submit proposals and who are
22 determined to be reasonably qualified for the award of the
23 contract. Offerors shall be treated fairly and equally with
24 respect to any opportunity for discussion and revision of
25 proposals. To obtain the best final offers, the school district
26 may allow proposal revisions after submissions and before the award
27 of the contract.

1 (i) If provided in a request for proposals under Subsection
2 (g) of this section, proposals shall be opened in a manner that
3 avoids disclosure of the contents to competing offerors and keeps
4 the proposals secret during negotiations.

5 (j) Upon completion of all negotiations, the board shall
6 give notice of intent to award a contract to the selected offeror.
7 The notice of intent shall be published in the same manner as the
8 notice of request for proposals. All proposals are open for public
9 inspection after the notice of intent to award is published, but
10 trade secrets and proprietary information clearly identified in the
11 proposals are not open for public inspection.

12 (b) Section 21.9012, Education Code, as added by this
13 section, takes effect September 1, 1990, and applies to a contract
14 for energy conservation measures entered on or after that date.

15 SECTION 3.16. Section 23.023, Education Code, is amended by
16 amending Subsections (a), (b), (c), (e), (h), (i), and (k) and by
17 adding Subsection (m) to read as follows:

18 (a) Any independent school district, whether created by
19 special or general law, with 64,000 [~~66,000~~] or more students in
20 average daily attendance [~~for--the--1975-1976--school--year--or~~
21 ~~thereafter~~] shall be under the management and control of a board of
22 nine trustees elected in accordance with the provisions of this
23 section.

24 (b) Seven [~~At--all--elections-held-after-December-31--1977,~~
25 ~~seven~~] members of the board of trustees shall be elected by the
26 qualified voters of single-member districts and two members, who
27 shall be the president and vice-president of the board, shall be

1 elected at large.

2 (c) At least 120 days before the first school board election
3 at which a district elects trustees under this section [~~to-be-held~~
4 ~~in-April,--1978~~], the board shall divide the school district into
5 seven trustee districts which are compact, contiguous, and contain
6 as nearly as practicable an equal population according to the last
7 preceding federal decennial census.

8 (e) The candidate receiving a majority of the votes cast in
9 each position is elected. If no candidate receives a majority of
10 the votes cast for that position, the board shall order a runoff to
11 be held on a date authorized by Section 2.025, Election Code [~~the~~
12 ~~third-Saturday-in-April-immediately-following-the-first--election~~],
13 and only the names of the two candidates receiving the highest
14 number of votes in the first election shall be listed on the
15 ballot. The candidate receiving the majority of the votes cast in
16 the runoff election is elected.

17 (h) In districts with seven board members on the date the
18 district becomes subject to this section [~~January-1,--1978~~], members
19 of the board serving on that date shall serve for the remainder of
20 their terms, except those choosing to resign. At the first
21 election at which a district first elects trustees under this
22 section [~~held--in--April,--1978~~], six [~~four~~] members shall be
23 elected--the president, vice-president, and four [~~two~~] regular
24 members. The president and vice-president then elected shall serve
25 for a term of two years. The other [~~two~~] members then elected
26 shall [~~draw--lots--so-that-one-will-serve-for-a-term-of-two-years,~~
27 ~~and-one-will~~] serve for a term of four years. The [~~five~~] members

1 of the board holding the offices for which there was no election
2 shall draw lots to determine which trustee district they will
3 represent during the remainder of their terms. Thereafter, all
4 members shall be elected to staggered terms of four years.

5 (i) A school district having 64,000 [66,000] or more
6 students in average daily attendance [~~for the 1975-1976 school year~~
7 ~~or--thereafter~~] which has previously adopted single-member district
8 representation may continue to operate under that plan.

9 (k) A school district with less than 64,000 [66,000]
10 students in average daily attendance for the 1975-1976 school year
11 that later becomes subject to this section shall begin electing
12 trustees from single-member districts in accordance with this
13 section no later than the first regular election held in
14 [~~following~~] the next calendar year or subsequent year [~~in which the~~
15 ~~federal--census--is--taken~~]. A school district subject to this
16 section whose average daily attendance drops below 64,000 [66,000]
17 students shall continue to be governed by this section. This
18 section does not apply to a district which has adopted a plan of
19 electing a board of trustees in whole or in part from single-member
20 districts prior to August 31, 1991.

21 (m) For the purposes of this section, average daily
22 attendance is defined as the number of students enrolled and in
23 attendance on average during the last 10 school days of September
24 in each school year.

25 SECTION 3.17. Section 23.30, Education Code, is amended by
26 adding Subsection (e) to read as follows:

27 (e) A school district may employ, retain, contract with, or

1 compensate a licensed real estate broker or salesman for assistance
2 in the acquisition or sale of real property.

3 SECTION 3.18. Subchapter Z, Chapter 212, Local Government
4 Code, is amended by adding Section 212.902 to read as follows:

5 Sec. 212.902. SCHOOL DISTRICT LAND DEVELOPMENT STANDARDS.

6 (a) This section applies to agreements between school districts
7 and any municipality which has annexed territory for limited
8 purposes.

9 (b) On request by a school district, a municipality shall
10 enter an agreement with the board of trustees of the school
11 district to establish review fees, review periods, and land
12 development standards ordinances and to provide alternative water
13 pollution control methodologies for school buildings constructed by
14 the school district. The agreement shall include a provision
15 exempting the district from all land development ordinances in
16 cases where the district is adding temporary classroom buildings on
17 an existing school campus.

18 (c) If the municipality and the school district do not reach
19 an agreement on or before the 120th day after the date on which the
20 municipality receives the district's request for an agreement,
21 proposed agreements by the school district and the municipality
22 shall be submitted to an independent arbitrator appointed by the
23 presiding district judge whose jurisdiction includes the school
24 district. The arbitrator shall, after a hearing at which both the
25 school district and municipality make presentations on their
26 proposed agreements, prepare an agreement resolving any differences
27 between the proposals. The agreement prepared by the arbitrator

1 will be final and binding upon both the school district and the
2 municipality. The cost of the arbitration proceeding shall be
3 borne equally by the school district and the municipality.

4 (d) A school district that requests an agreement under this
5 section, at the time it makes the request, shall send a copy of the
6 request to the commissioner of education. At the end of the
7 120-day period, the requesting district shall report to the
8 commissioner the status or result of negotiations with the
9 municipality. A municipality may send a separate status report to
10 the commissioner. The district shall send to the commissioner a
11 copy of each agreement between the district and a municipality
12 under this section.

13 (e) In this section, "land development standards" includes
14 impervious cover limitations, building setbacks, floor to area
15 ratios, building coverage, water quality controls, landscaping,
16 development setbacks, compatability standards, traffic analyses,
17 and driveway cuts, if applicable.

18 (f) Nothing in this section shall be construed to limit the
19 applicability of or waive fees for fire, safety, health, or
20 building code ordinances of the municipality prior to or during
21 construction of school buildings, nor shall any agreement waive any
22 fee or modify any ordinance of a municipality for an
23 administration, service, or athletic facility proposed for
24 construction by a school district.

25 SECTION 3.19. (a) Each fiscal year before the end of the
26 Center for Educational Technology's first three years of operation,
27 the State Board of Education shall make disbursements from the

1 public education development fund under Section 11.271, Education
2 Code, as added by this Act, to the Center for Educational
3 Technology in an amount approved by the Legislative Education Board
4 before making disbursements to eligible school campuses.

5 (b) From funds appropriated for the fund, the comptroller of
6 public accounts shall issue warrants to the center in the amount
7 certified by the commissioner.

8 SECTION 3.20. The legislature recommends that the governor,
9 lieutenant governor, and speaker of the house of representatives
10 appoint a special study committee to develop a plan for the
11 coordination of youth services into a community effort and to
12 remove nonacademic related problems of youth from school
13 responsibility and that the committee be required to make
14 preliminary recommendations to the legislature before January 1,
15 1991.

16 SECTION 3.21. The commissioner of education, in consultation
17 with the Commissioner of Human Services, shall submit a report to
18 the 72nd Legislature, with specific legislative recommendations on
19 the developmental appropriateness of prekindergarten programs, the
20 potential for using existing child care program sites as
21 prekindergarten sites, and the coordination of those programs under
22 Subsection (c), Section 16.003, Education Code, as added by this
23 Act.

24 SECTION 3.22. The Teacher Retirement System of Texas, the
25 commissioner of education, and the State Board of Education shall
26 jointly develop a recommendation for a state health insurance plan
27 for public school employees. The retirement system, commissioner,

1 and board shall report the recommendations to the 72nd Legislature
2 not later than February 1, 1991.

3 SECTION 3.23. Notwithstanding any provision to the contrary:

4 (1) the pilot program established under Section 2.14,
5 Chapter 813, and Section 2, Chapter 1179, Acts of the 71st
6 Legislature, Regular Session, 1989, shall continue through the
7 1990-1991 school year only; and

8 (2) the Central Education Agency shall report the
9 findings of the study under Subsection (e) of those sections to the
10 73rd Legislature not later than February 1, 1993.

11 SECTION 3.24. (a) Sections 3.08, 3.11, and 3.13 of this
12 article apply beginning with the 1991-1992 school year. The prior
13 law applies for the 1990-1991 school year and is continued in
14 effect for that purpose.

15 (b) Section 3.07 of this article takes effect September 1,
16 1992.

17 ARTICLE IV. PERFORMANCE INCENTIVES

18 SECTION 4.01. Subchapter B, Chapter 11, Education Code, is
19 amended by adding Sections 11.272 and 11.273 to read as follows:

20 Sec. 11.272. EXCELLENCE EXEMPTIONS. (a) Except as provided
21 by Subsection (b) of this section, a school campus or district that
22 is rated exemplary under Section 21.753 of this code is exempt from
23 requirements and prohibitions imposed under this code, including
24 rules adopted under this code.

25 (b) A school campus or district is not exempt under this
26 section from a prohibition on conduct that constitutes a criminal
27 offense. A school campus or district is not exempt under this

1 section from requirements imposed by federal law or rule, including
2 requirements for special education or bilingual education programs.
3 Except as provided by Subsection (e) of this section, a school
4 campus or district is not exempt under this section from a
5 requirement or prohibition imposed by state law or rule relating
6 to:

7 (1) curriculum essential elements, excluding the
8 methodology used by a teacher and the time spent by a teacher or a
9 student on a particular task or subject;

10 (2) restrictions on extracurricular activities;

11 (3) health and safety;

12 (4) competitive bidding;

13 (5) textbook selection;

14 (6) elementary school class size limits;

15 (7) removal of a disruptive student from the
16 classroom;

17 (8) suspension or expulsion of a student;

18 (9) at risk programs;

19 (10) prekindergarten programs;

20 (11) minimum graduation requirements; or

21 (12) educational employee and educational support
22 employee rights and benefits. In this section, "educational
23 support employee" means a full-time or part-time school employee
24 not defined as a "teacher" by Section 21.201(1) of this code.

25 (c) The Central Education Agency shall monitor and evaluate
26 deregulation of a school campus or district under this section and
27 Section 11.273 of this code and report annually on the effect of

1 deregulation on student achievement to the State Board of
2 Education, the Legislative Education Board, the governor, the
3 lieutenant governor, the speaker of the house of representatives,
4 and the legislature. The report must include a list of the
5 exemptions utilized and a review of the effectiveness of the
6 waivers and exemptions programs.

7 (d) The State Board of Education in considering exemptions
8 or waivers shall provide as much regulatory relief as is practical
9 and reasonable to campuses or districts that are considered high
10 performing, beginning in the 1990-1991 school year.

11 (e) The commissioner may exempt an exemplary school campus
12 from elementary class size limits under this section if the school
13 campus submits to the commissioner a written plan showing steps
14 that will be taken to ensure that the exemption from the class size
15 limits will not be harmful to the academic achievement of the
16 students on the school campus. The commissioner shall review
17 achievement levels annually. The exemption remains in effect until
18 the commissioner determines that achievement levels of the campus
19 have declined.

20 Sec. 11.273. WAIVERS AND EXEMPTIONS. (a) Except as
21 provided under Subsection (e) of this section, a school campus or
22 district may apply to the State Board of Education for a waiver of
23 a requirement or prohibition imposed by law or rule that the campus
24 or district determines inhibits student achievement.

25 (b) An application under this section must include a written
26 plan developed by the campus principal or district superintendent,
27 as appropriate, and faculty of the campus or district that states

1 the achievement objectives of the campus or district and the
2 inhibition imposed on those objectives by the requirement or
3 prohibition and shall be approved by the district's board of
4 trustees.

5 (c) The board may grant a waiver under this section for a
6 period not to exceed three years. A prohibition on conduct that
7 constitutes a criminal offense may not be waived.

8 (d) A school campus or district for which a requirement or
9 prohibition is waived under this section for a period of three
10 years may receive an exemption from that requirement or prohibition
11 at the end of that period if the campus or district has fulfilled
12 the achievement objectives submitted to the board under Subsection
13 (b) of this section. The exemption remains in effect until the
14 board determines that achievement levels of the campus or district
15 have declined.

16 (e) A school campus or district may not receive an exemption
17 or waiver under this section from requirements imposed by federal
18 law or rule, including requirements for special education or
19 bilingual education programs. A school campus or district may not
20 receive an exemption or waiver under this section from a
21 requirement or prohibition imposed by state law or rule relating
22 to:

23 (1) curriculum essential elements, excluding the
24 methodology used by a teacher and the time spent by a teacher or a
25 student on a particular task or subject;

26 (2) restrictions on extracurricular activities;

27 (3) health and safety;

1 (4) competitive bidding;
2 (5) elementary school class size limits;
3 (6) minimum graduation requirements;
4 (7) removal of a disruptive student from the
5 classroom;
6 (8) suspension or expulsion of a student;
7 (9) at risk programs;
8 (10) prekindergarten programs; or
9 (11) educational employee and educational support
10 employee rights and benefits. In this section, "educational
11 support employee" means a full-time or part-time school employee
12 not defined as a "teacher" by Section 21.201(1) of this code.

13 (f) A school district or campus that receives a waiver under
14 this section for textbook selection may select for purchase a
15 textbook not on a state-adopted multiple list. The textbook shall
16 be purchased by the district and shall be used for the same number
17 of years for which the textbooks for the subject or course are
18 adopted by the State Board of Education. The unit cost of the
19 textbooks selected shall not exceed the unit cost of the costliest
20 textbook on the multiple list for the subject or course. The
21 commissioner of education shall calculate the allowable cost and
22 transmit from the state textbook fund that amount to the district
23 for purchase of the textbooks. The State Board of Education shall
24 adopt rules necessary for the implementation of this subsection.

25 (g) The State Board of Education in considering exemptions
26 or waivers shall provide as much regulatory relief as is practical
27 and reasonable to campuses or districts that are considered high

1 performing, beginning in the 1990-1991 school year.

2 SECTION 4.02. Section 21.101, Education Code, is amended by
3 adding Subsection (h) to read as follows:

4 (h) The State Board of Education shall adopt rules for the
5 implementation of this section, except that the board may not
6 designate the methodology used by a teacher nor the time spent by
7 the teacher or a student on a particular task or subject.

8 SECTION 4.03. Subchapter D, Chapter 21, Education Code, is
9 amended by adding Section 21.116 to read as follows:

10 Sec. 21.116. POSTSECONDARY ENROLLMENT OPTIONS. The
11 commissioner of education and the commissioner of higher education
12 shall jointly develop recommendations for a statewide program
13 allowing public high school students to enroll in courses in
14 postsecondary institutions for both secondary credit and
15 postsecondary credit. The recommendations shall include a method
16 for apportioning state funds for the student's education between
17 the public school and the postsecondary institution. The
18 commissioners shall report their recommendations to the 72nd
19 Legislature not later than February 1, 1991.

20 SECTION 4.04. Subsection (b), Section 34.004, Education
21 Code, is amended to read as follows:

22 (b) The State Board of Education with the advice and
23 approval of the educational excellence committee shall establish
24 the criteria and standards for the awards. The awards for school
25 campuses shall be based primarily on the indicators established
26 under Section 21.7531 of this code and the campus objectives
27 established under Section 21.7532 of this code. The board shall

1 incorporate criteria for the performance of students in special
2 education programs. The criteria for schools and school districts
3 must be measurable criteria and may include criteria related to:

- 4 (1) student achievement;
- 5 (2) operational efficiency;
- 6 (3) central administrative support;
- 7 (4) student and teacher attendance;
- 8 (5) graduates who enter college, receive advanced
9 training, or are employed;
- 10 (6) principals participating in instructional
11 leadership training; and
- 12 (7) other matters selected by the committee that are
13 related to scholastic gains.

14 SECTION 4.05. Chapter 56, Education Code, is amended by
15 adding Subchapter G to read as follows:

16 SUBCHAPTER G. TEXAS TUITION ASSISTANCE GRANT PROGRAM

17 Sec. 56.101. PROGRAM NAME. The student financial assistance
18 program authorized by this subchapter is known as the Texas tuition
19 assistance grant program, and an individual grant awarded under
20 this subchapter is known as a Texas tuition assistance grant.

21 Sec. 56.102. PURPOSE. The purpose of this subchapter is to
22 provide an eligible person a grant of money for tuition to enable
23 that person to attend an institution of higher education.

24 Sec. 56.103. ELIGIBLE PERSON. (a) To be eligible for a
25 Texas tuition assistance grant, a person must:

- 26 (1) be a Texas resident as defined by coordinating
27 board rules;

1 (2) enroll for a full course load in an institution of
2 higher education as defined by Section 61.003 or 61.222 of this
3 code;

4 (3) be from a low-income or middle-income family and
5 establish financial need as defined by coordinating board rules;

6 (4) within the two years preceding the person's grant
7 application, have graduated from a secondary school with a
8 cumulative grade average that is equal to or greater than the
9 equivalent of 80 on a scale of 100;

10 (5) have applied for any available financial
11 assistance; and

12 (6) have complied with any other requirements adopted
13 by the coordinating board under this subchapter.

14 (b) A person is not eligible to receive a Texas tuition
15 assistance grant if the person:

16 (1) has been granted a baccalaureate degree; or

17 (2) has been convicted of a felony or a crime
18 involving moral turpitude, unless the person has met the
19 eligibility requirements under Subsection (a) of this section and
20 has:

21 (A) received a certificate of discharge by the
22 Texas Department of Criminal Justice or a correctional facility or
23 completed a period of probation ordered by a court, and at least
24 two years have elapsed from the date of the receipt or completion;
25 or

26 (B) been pardoned or otherwise released from the
27 resulting ineligibility to participate in the Texas tuition

1 assistance grant program.

2 Sec. 56.104. ADMINISTRATIVE AUTHORITY. The coordinating
3 board shall provide a Texas tuition assistance grant to an eligible
4 person enrolled in an institution of higher education based on the
5 financial need of that person. The total amount of Texas tuition
6 assistance grants distributed by the coordinating board may not
7 exceed the amount appropriated for the Texas tuition assistance
8 grant program.

9 Sec. 56.105. PAYMENT OF GRANT; AMOUNT. (a) On receipt of a
10 person's Texas tuition assistance grant application, an enrollment
11 report from the institution of higher education enrolling the
12 person, and a certification of the amount of financial need from
13 the institution of higher education, the coordinating board shall
14 distribute the amount of the grant for the person to the
15 institution of higher education.

16 (b) The amount of a Texas tuition assistance grant may not
17 exceed the amount of tuition the student would be charged at a
18 public senior institution of higher education and, when added to
19 other gift aid, may not exceed the financial need of the student.

20 Sec. 56.106. LIMITATIONS ON GRANT. A person entitled to a
21 Texas tuition assistance grant loses that person's right to future
22 payments of money from the grant program if the person:

23 (1) does not make steady academic progress toward a
24 baccalaureate degree as determined under coordinating board rules;

25 (2) does not maintain full-time enrollment standing
26 for at least two semesters in any academic year;

27 (3) has a grade average that is in the lower 50

1 percent of the total grade averages of all full-time students
2 enrolled in the same college or other department in the institution
3 of higher education; or

4 (4) is convicted of a felony or a crime involving
5 moral turpitude, unless the person has met eligibility requirements
6 as defined in Section 56.103(a) of this code and has:

7 (A) received a certificate of discharge by the
8 Texas Department of Criminal Justice or a correctional facility or
9 has completed a period of probation ordered by a court, and at
10 least two years have elapsed from the date of the receipt or
11 completion; or

12 (B) been pardoned or otherwise released from the
13 resulting ineligibility to participate in the Texas tuition
14 assistance grant program.

15 Sec. 56.107. ADOPTION AND DISTRIBUTION OF RULES. (a) The
16 coordinating board shall adopt rules to administer this subchapter.

17 (b) The coordinating board shall distribute to each
18 institution of higher education and to each school district copies
19 of all rules adopted under this subchapter.

20 Sec. 56.108. FUNDING. (a) The coordinating board may
21 accept gifts and grants from any public or private source for the
22 purposes of this subchapter.

23 (b) Texas tuition assistance grants are payable from gifts,
24 grants, and funds appropriated by the legislature.

25 SECTION 4.06. The Texas Higher Education Coordinating Board
26 shall adopt and distribute initial rules required by Subchapter G,
27 Chapter 56, Education Code, as added by this Act, not later than

1 January 1, 1991. The coordinating board shall make grants to
2 eligible persons under this Act beginning with the fall semester
3 1991.

4 SECTION 4.07. The following provisions of the Education Code
5 are repealed:

6 (1) Section 11.27, as added by Section 2.03, Chapter
7 813, Acts of the 71st Legislature, Regular Session, 1989;

8 (2) Subsection (b), Section 21.001; and

9 (3) Subchapter B, Chapter 56.

10 ARTICLE V. YEAR-ROUND SCHOOLS

11 SECTION 5.01. Subsection (a), Section 21.008, Education
12 Code, is amended to read as follows:

13 (a) Each school district shall operate for either two or
14 three semesters during each school year, at the option of the
15 district, except as provided under Section 21.010 of this code or
16 under rules adopted under Section 21.009 of this code. The
17 semesters must provide the required number of days of instruction
18 for students and inservice education and preparation for teachers[
19 ~~except-as-provided-under-Section-16-052(b)-of-this-code~~].

20 SECTION 5.02. Subsection (a), Section 21.009, Education
21 Code, is amended to read as follows:

22 (a) The State Board of Education shall [may] adopt rules
23 under which a school district may operate its schools year-round,
24 including rules necessary for the operation of a multitrack school
25 year under Section 21.010 of this code.

26 SECTION 5.03. Subchapter A, Chapter 21, Education Code, is
27 amended by adding Section 21.010 to read as follows:

1 Sec. 21.010. MULTITRACK SCHOOL YEAR. (a) In this section:

2 (1) "Track" means a group of students and teachers
3 scheduled to attend school and take vacation periods on the same
4 schedule.

5 (2) "Multitrack" means multiple tracks, with staggered
6 instructional blocks and vacation periods.

7 (b) The board of trustees of a school district may operate a
8 school on a multitrack school year.

9 SECTION 5.04. The State Board of Education shall adopt rules
10 under Subsection (a), Section 21.009, Education Code, as amended by
11 this Act, not later than January 1, 1991.

12 ARTICLE VI. SEVERABILITY; EFFECTIVE DATE; EMERGENCY

13 SECTION 6.01. If any provision of this Act or its
14 application to any person or circumstance is held invalid, the
15 invalidity does not affect other provisions or applications of this
16 Act that can be given effect without the invalid provision or
17 application, and to this end the provisions of this Act are
18 declared to be severable.

19 SECTION 6.02. This Act takes effect September 1, 1990,
20 except as otherwise provided by this Act.

21 SECTION 6.03. The importance of this legislation and the
22 crowded condition of the calendars in both houses create an
23 emergency and an imperative public necessity that the
24 constitutional rule requiring bills to be read on three several
25 days in each house be suspended, and this rule is hereby suspended,
26 and that this Act take effect and be in force according to its
27 terms, and it is so enacted.

H. B. No. 1

By Glenn

A BILL TO BE ENTITLED
AN ACT

relating to public education.

JUN 4 1990

JUN 4 1990

1. Filed with the Chief Clerk.

2. Read first time and Referred to Committee on

Public Education

3. Reported favorably (as amended)
(as substituted) and sent to Printer at

4. Printed and distributed at

5. Sent to Committee on Calendars at

6. Read second time (amended); passed to third reading (failed) by (Non-Record Vote)
(Record Vote of yeas, nays, present, not voting).

7. Motion to reconsider and table the vote by which H.B. was ordered
engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of yeas,
 nays, and present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed
to suspend) by a four-fifths vote of yeas, nays, and
present, not voting.

9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote
of yeas, nays, present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. was finally passed
prevailed (failed) by a (Non-Record Vote) (Record Vote of yeas,
nays, and present, not voting).

12. Ordered Engrossed at

13. Engrossed.

14. Returned to Chief Clerk at

15. Sent to Senate.

Chief Clerk of the House

16. Received from the House

17. Read, referred to Committee on

18. Reported favorably

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read
first time.

20. Ordered not printed.

21. Regular order of business suspended by
(a viva voce vote.)
(yeas, nays.)

_____ 22. To permit consideration, reading and passage, Senate and Constitutional Rules
suspended by vote of _____ yeas, _____ nays.

_____ 23. Read second time _____ passed to third reading by:
(a viva voce vote.)
(_____ yeas, _____ nays.)

_____ 24. Caption ordered amended to conform to body of bill.

_____ 25. Senate and Constitutional 3-Day Rules suspended by vote of _____ yeas,
_____ nays to place bill on third reading and final passage.

_____ 26. Read third time and passed by
(a viva voce vote.)
(_____ yeas, _____ nays.)

OTHER ACTION: OTHER ACTION:

Secretary of the Senate

_____ 27. Returned to the House.

_____ 28. Received from the Senate (with amendments.)
(as substituted.)

_____ 29. House (Concurred) (Refused to Concur) in Senate (Amendments) by a (Non-Record
(Substitute) Vote) (Record Vote of _____ yeas, _____ nays, _____ present,
not voting).

_____ 30. Conference Committee Ordered.

_____ 31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record
Vote of _____ yeas, _____ nays, and _____ present, not voting).

_____ 32. Ordered Enrolled at _____